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MINUTES OF THE MEETING OF THE BOARD OF PERMIT APPEALS WEDNESDAY, JANUARY 3, 1990 5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Victor Makras, Commissioner Ralph House, Commissioner Paul Melbostad and Commissioner Beverly Prior.

1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

ADOPTION OF FINDINGS OF FACT:

ITEM A: Appeal No. V89-254. Hearing December 13, 1989. Upon motion of President Marks, the Board voted 5-0 to uphold the Zoning Administrator and the granting of the variance for the two lowest floors for parking and to deny the variance for the upper residential floors.

ACTION: Upon motion to adopt findings by Vice President Makras, as amended by Commissioner House, the Board voted 5-0. Findings adopted.

REQUESTS FOR REHEARING:

ITEM B: Letter from Perry Fong requesting rehearing of Appeal No. 89-233. Hearing November 29, 1989. Appellant had appealed the denial of a permit to erect a structure at 200 Guttenberg Street. Upon motion of Commissioner Melbostad, the Board voted 5-0 to uphold the Department and deny the permit.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 5-0 to **NOT** grant rehearing.

ITEM C: Letter from Tony Lagorio requesting rehearing of Appeal No. 89-239. Hearing November 29, 1989. Appellant had appealed for refund of penalty imposed for work done without a permit at 318-320 Harriet Street. Upon motion of Commissioner House, the Board voted 5-0 to uphold the Department and sustain the penalty.

ACTION: After discussion upon motion by Commissioner House, the Board voted 4-1 to **NOT** grant rehearing. Commissioner Prior dissented.

ITEM D: Letter from Jerry Klein requesting rehearing of Appeal No. 89-246. Hearing December 6, 1989. Appellant had protested the issuance of permit to erect a structure at 1100 Eddy Street. Upon motion of Vice President Makras, the Board voted 5-0 to uphold the Department and grant the permit.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 5-0 to **NOT** grant rehearing.

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ITEM E: Letter from Rene Ernest Peinado requesting rehearing of Appeal No. 89-249. Hearing December 6, 1989. Appellant had protested the issuance of permit to alter a building at 2154-58 Sutter Street. Upon motion of Commissioner Prior, the Board voted 4-1 to uphold the Department and to grant the permit. Condition of approval: Plans to be reviewed by Bureau to insure complete compliance with all provisions of Building Code.

ACTION: After discussion the Board **CONTINUED** their consideration to **January 10, 1990**, to allow the Chief Building Inspector to review the case and report back to the Board.

ITEM F: Letter from C.A. Taylor, President of Neighbors of the Excelsior requesting rehearing of Appeal No. 89-250. Hearing December 13, 1989. Appellant had protested the issuance of permit to erect a structure at 632 Persia Street. Upon motion of Commissioner Prior, the Board voted 2-2 to uphold the Departments and grant the permit. President Marks and Commissioner Melbostad dissented. Four votes being necessary to overrule or impose conditions, the permit is deemed upheld with no conditions Commissioner House absent.

ACTION: After discussion upon motion by Commissioner House, the Board voted 5-0 to **GRANT** rehearing and scheduled it for **January 24, 1990.** The Board also scheduled a site inspection at 632 Persia for 8:30 A.M. on Monday, **January 22, 1990.** All parties are invited to be present.

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM G: Letter from John E. McInerney, III, Esq. for Dr. Stanley Dintcho, project sponsor, requesting the Board to take jurisdiction over conditions one and two of the Conditions of Approval for permit application 8817405 authorizing the alteration of an existing four-story mixed-use building at 2253 Union Street.

On October 5, 1988, Appeal No. 88-235, upon motion of Commissioner Prior, the Board voted 3-2 to uphold the department and grant permit application 8715672 for alterations on this existing building. Vice President Makras and Commissioner House dissented.

Department action	November 21, 1989
Appeal period ended	December 6, 1989
Request for jurisdiction received	December 27, 1989

ACTION: After discussion upon motion by Vice President Makras, the Board voted 3-2. President Marks and Commissioner Hosue dissented. Four votes being necessary, request **NOT** granted.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Jote Kejela, Michael Sealey, Clifford O'Neill, Yossadek Desta.

Items 3A and 3B shall be heard together.

APPEAL NO. 89-234

(3A) JOTE KEJELA, Appellant
vs.
POLICE COMMISSION, Respondent

[Appealing decision of the
[S.F. Police Commission on
[September 20, 1989, to close
[out Police Public Convenience &
[Necessity Hearing for Taxicabs
[matters for year 1988.
[Police Comm. Res. # 1266-89.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion upon motion by President Marks, the Board voted 5-0 to **CONTINUE** items 3A and 3B to **January 24, 1990.** (The Police Department had requested a continuance to February 14, 1990.)

APPEAL NO. 89-235

(3B) TSE S. KWAN, Appellant
vs.
POLICE COMMISSION, Respondent

[Appealing decision of the
[S.F. Police Commission on
[September 20, 1989, to close
[out Police Public Convenience &
[Necessity Hearing for Taxicabs
[matters for year 1988.
[Police Comm. Res. # 1266-89.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion upon motion by President Marks, the Board voted 5-0 to **CONTINUE** items 3A and 3B to **January 24, 1990.** (The Police Department had requested a continuance to February 14, 1990.)

APPEAL NO. 89-145

(4) JERRY F. SCHIMMEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 23, 1989, to
[Jeremias Zeuli, permit
[to Erect a Structure
[at 61 Prentiss Street.
[APPLICATION NO. 8701259.
[FOR HEARING TODAY.

ACTION: After discussion the Board **CONTINUED** the appeal to **January 10, 1990** to allow more time for review of documents. No additional testimony or evidence to be accepted.

SPEAKERS: Jack Wholey, attorney for permit holder; Jerry Schimmel, appellant, Kathy Angus, Dave Marzane, Terry Milne, opposing permit; Seamus McGee, permit holder; Barry Pearl for Department of City Planning, and Laurence Kornfield, Chief Inspector for Bureau of Building Inspection.

APPEAL NO. 89-242

(5) ROGER ALLEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on November 7, 1989,
[for work done at
[175 Fair Oaks Street.
[APPLICATION NO. 8917173.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Makras, the Board voted 5-0 to **OVERRULE** the department and reduce the penalty to $500.00 plus the regular fee of $21.13 for a total of $521.13.

SPEAKERS: Roger Allen, appellant; Laurence Kornfield, Chief Inspector for Bureau of Building Inspection.

APPEAL NO. 89-263

(6) MURIEL J. LOCKNER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on December 8, 1989,
[for work done at
[125 - 3rd Street.
[APPLICATION NO. 8921266.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Prior, the Board voted 5-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee of $21.13 for a total of $42.26.

SPEAKERS: Muriel J. Lockner, appellant; Laurence Kornfield, Chief Inspector for Bureau of Building Inspection.

APPEAL NO. 89-261

(7) RUNCHEL & COMPANY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 1,
[1989, of permit to
[Alter a Building at
[4715 Balboa Street.
[APPLICATION NO. 8908401.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 4-1 to **UPHOLD** the department and to deny the permit. Commissioner Melbostad dissented.

SPEAKERS: Steve Runchey and Merrill Stringham for appellant; Barry Pearl for Department of City Planning.

APPEAL NO. 89-267

(8) WILLIAM L. LUIPPOLD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on December 14,
[1989, of permit to alter
[Alter a Building at 1258
[Valencia Street.
[APPLICATION NO. 8908873.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the department and to deny the permit.

SPEAKERS: William L. Luippold, appellant; Laurence Kornfield, Chief Inspector for Bureau of Building Inspection.

APPEAL NO. 89-259

(9) CAROL S. DIETRICH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on
[October 16, 1989, to
[Earl Dennis, permit to
[Alter a Building at
[370-372 Lombard Street.
[APPLICATION NO. 8912396.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the departments and to **DISAPPROVE** the permit. Finding: Permit would result in loss of an affordable unit in violation of Proposition M.

SPEAKERS: Carol Dietrich, appellant; Earl Dennis, permit holder, Michelle Dennis, permit holder; Richard Crandall, architect for permit holder; Kurt Malone, Andy Andrej, Gregory Gianchino, Randy George, and Kate Harvey for permit holders; Debra Bristow for appellant; Laurence Kornfield, Chief Inspector for Bureau of Building Inspection.

APPEAL NO. 89-262

(10) RICHARD AVANSINO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 22, 1989, to
[Andrew Okun, permit to
[Alter a Building at
[776 - 27th Street.
[APPLICATION NO. 8921860.
[FOR HEARING TODAY.

ACTION: Appeal was **WITHDRAWN** by letter from Richard Avansino, appellant on **January 2, 1990,** prior to hearing.

APPEAL NO. V89-260

(11) VAN HART, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting issuance on
[November 21, 1989, to
[Ann Kirk, of Rear Yard
[Variance sought for
[property located at
[42 Woodland Avenue.
[VARIANCE CASE NO. 89.544V.
[FOR HEARING TODAY.

ACTION: Appeal continued prior to hearing at request of counsel for parties. Continued to **January 24, 1990.**

(12) **Public Comment:** Presentation shall be limited to three minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 89-279

(13) FOUNDATION FOR SAN FRANCISCO'S ARCHITECTURAL HERITAGE,
vs. Appellant
DEPT. PUBLIC WORKS,
Respondent
CITY PLANNING APPROVAL

[Protest of issuance on
[December 14, 1989, of
[Demolition permit to
[BETA Properties/ c/o
[Medicus, Inc. for work
[at 1367-73 Post Street.
[APPLICATION NO. 8922678.
[FOR HEARING TODAY.

This appeal was filed on December 29, 1989 for hearing on January 24, 1990. Two-thirds of the structure was demolished on January 2, 1990 prior to the permit holder receiving notice of the suspension of the permit effective upon the filing of the appeal. The permit holder seeks permission to complete the demolition of the vacant commercial building on the site because of its hazardous condition.

ACTION: President Marks made a motion for Board to hold this hearing without the usual 72-hour posted notice because of the emergency presented. Vote: 5-0. After discussion upon motion of Vice President Makras, the Board voted 5-0 to **UPHOLD** the departments and the permit.

SPEAKERS: Laurence Kornfield, Chief Inspector for Bureau of Building Inspection; David Cincotta, attorney for permit holders; Bahar Pirooz, structural engineer for permit holders.

There being no further business, President Marks adjourned the meeting at 9:35 P.M.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE MEETING OF THE BOARD OF PERMIT APPEALS WEDNESDAY, JANUARY 10, 1990 5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Victor Makras, Commissioner Ralph House, Commissioner Paul Melbostad, Commissioner Beverly Prior.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Masaru Seido, President of Fukuyama International, Inc., owner, requesting rehearing of Appeal No. V89-254. Hearing December 13, 1989. Upon motion of President Marks, the Board voted 5-0 to uphold the Zoning Administrator and the granting of the variance for the two lowest floors for parking and to deny the variance for the upper residential floors at 897 California Street.

ACTION: **CONTINUED** to meeting of **January 24, 1990** at request of Mr. Seido.

ITEM B: Letter from Rene Ernest Peinado requesting rehearing of Appeal No. 89-249. Hearing December 6, 1989. Appellant had protested the issuance of permit to alter a building at 2154-58 Sutter Street. Upon motion of Commissioner Prior, the Board voted 4-1 to uphold the Department and to grant the permit. Condition of approval: Plans to be reviewed by Bureau to insure complete compliance with all provisions of Building Code.

ACTION: After discussion upon motion by President Makras, the Board voted 5-0 to **GRANT REHEARING** and scheduled it for the meeting of **January 31, 1990.**

SPEAKER: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

ITEM C: Letter from Robert S. Rivkin, Esq., requesting rehearing of Appeal No. 89-203. Hearing November 15, 1989. Appellant had protested the issuance of permit to alter a building at 1770 Broadway Street. Upon motion of Vice President Makras, the Board voted 4-1 to uphold the permit on condition the curb cut be reduced to width of nine feet. Commissioner House dissented.

ACTION: After discussion upon motion by Commissioner Prior, the Board voted 3-2 (Commissioners House and Melbostad dissented) to **NOT GRANT REHEARING.**

SPEAKER: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Officer Leanna Dawydiak, attorney for S.F. Police Department.

APPEAL NO. 89-145

(3) JERRY F. SCHIMMEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 23, 1989, to
[Jeremias Zeuli, permit
[to Erect a Structure
[at 61 Prentiss Street.
[APPLICATION NO. 8701259.
[FOR HEARING TODAY.

ACTION: After discussion the Board **CONTINUED** this appeal to meeting of **January 3, 1990** for reports from the Bureau of Building Inspection, Bureau of Engineering, the Fire Department and the Redevelopment Agency.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning.

Items 4A and 4B shall be heard together.

APPEAL NO. 89-073

(4A) ANDREAS VON FOERSTER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the
[Zoning Administrator
[on March 28, 1989,
[that the proposal
[does not conform to
[Planning Code Section
[132 (b) & Residential
[Design Guidelines at
[128 Montcalm Street.
[APPLICATION NO. 8902465.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board 5-0 to **OVERRULE** the Zoning Administrator and to accept the front setback proposed as within the meaning of §132(b) of the Planning Code without the need for a variance.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Andreas von Foerster, appellant; Frank Harris, Janice Roudenbush, Larry Curtiss, John Schlesinger, A.I.A., in support of appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Ann Henry, Kerri Merrimar and Terry Milne, in opposition.

APPEAL NO. 89-253

(4B) ANDREAS VON FOERSTER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on November 13, [1989, of permit to [Erect a Structure at [128 Montcalm Street. [APPLICATION NO. 8902465. [FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 5-0 to OVERRULE the departments and to GRANT the permit for the Review Plans submitted by the appellant.

SPEAKERS: Same as Item 4A.

APPEAL NO. 89-248

(5) JOHN & GLORIA AGUILERA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [November 3, 1989, to [McAley and McDonough, [permit to Demolish a [Garage Building at [290 Melrose Avenue. [APPLICATION NO. 8919373. [FOR FURTHER HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Prior, the Board voted 4-1 (President Marks dissented) to UPHOLD the departments and GRANT the permit on CONDITION the permit holders revise the plans for the proposed house by deleting the parapet and using a 2-hour fire resistant roof assembly. (Application No. 8919371).

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Mary Rotunno, Esq., for appellants; John & Gloria Aguilera, appellants; Jack Reid, Edwin Connor, Christine Reid, Rebecca Aguilera, Nancy Mendoza, Carmen Villa-Lobos, Lia Pastore, in opposition to project; Tom McAley, permit holder; Tad Sekino, A.I.A., Charles Fast for project.

APPEAL NO. 89-243

(6) WILLIAM S. HANSON, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on October 26, 1989, [of Massage Establishment [permit at 1172 Sutter Street [dba "Nikki's Oriental Massage". [FOR HEARING TODAY.

ACTION: After discussion Board CONTINUED appeal to meeting of **January 31, 1989** to allow appellant to submit a business plan.

SPEAKERS: Officer Leanna Dawydiak for S.F. Police Department, Sergeant Curran, for S.F. Police Department; Thomas Steel Esq., for appellant, William S. Hanson.

APPEAL NO. 89-251

(7) RAKESH SEHGAL, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 13, [1989, of Driver Public [Vehicle permit at 1200 [Minnesota Street, dba ["United Cab Company". [FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department and reinstate the permit with a **SUSPENSION FOR TWO WEEKS** and a requirement the appeallant re-take the taxicab driver course.

SPEAKERS: Officer Leanna Dawydiak, for S.F. Police Department, Sergeant Gary Manini for S.F. Police Department; Joanne Brown, Esq., for Rakesh Sehgal, appellant.

**** ITEM 8 WAS TAKEN AFTER ITEM 5 AT REQUEST OF S.F. POLICE DEPARTMENT.**

APPEAL NO. 89-257

(8) HA THI MANN, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 14, [1989, of Masseuse permit [at 931 Kearny Street, dba ["Thailand Health Spa". [FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner House, the Board voted 4-1 to **OVERRULE** (Vice President Makras dissented) the department and to reinstate the permit with a **SUSPENSION FOR 90 DAYS.**

SPEAKERS: Officer Leanna Dawydiak for S.F. Police Department, Officer Centurioni for S.F. Police Department; Christopher Hall, Esq., for appellant, Ha Thi Mann.

APPEAL NO. 89-271

(9) BEHROUZ VOSSOUGHI, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on December 14, [1989, of Driver Public Vehicle [permit dba "Yellow Cab Co." [at 1200 Mississippi Street. [FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 5-0 to **UPHOLD** the department and sustain the **REVOCATION.**

SPEAKERS: Officer Leanna Dawydiak and Office Paul DeTimofeev for S.F. Police Department; Behrouz Vossoughi, appellant.

APPEAL NO. 89-266

(10) MICHAEL A. WAUL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on December 14, 1989,
[for work done at
[1958 Golden Gate Ave.
[APPLICATION NO. 8917079.
[FOR HEARING TODAY.

ACTION: Prior to hearing **CONTINUED** to meeting of **January 31, 1990** at request of Michael A. Waul, appellant.

APPEAL NO. 89-268

(11) TONY CANALETICH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty Imposed
[on December 14, 1989,
[for work done at
[814 Grove Street.
[APPLICATION NO. 8922181.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Prior, the Board 4-1 (President Marks dissented) to **OVERRULE** the department and to reduce the penalty to two times the regular fee of $50.38 for a total of $101.16.

SPEAKERS: Tony Canaletich, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 89-269

(12) JOHN T. JOHANSEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund
[of Penalty Imposed
[on December 18, 1989,
[for work done at
[2417 Larkin Street.
[APPLICATION NO. 8920594.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 5-0 to **UPHOLD** the department and sustain the penalty.

SPEAKERS: John T. Johansen, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

Items 13A and 13B shall be heard together.

APPEAL NO. 89-265

(13A) HILDA BERNSTEIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Determination by the Zoning
[Administrator on December 1,
[1989, that the use of the
[subject property is group
[housing classification
[pursuant to §209.2(A) City
[Planning Code for property
[at 899 Guerrero Street.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 5-0 to UPHOLD the determination with the 6-page program outline submitted by Catholic Charities adopted as findings.

SPEAKERS: Ann Voris, Esq., for Hilda Bernstein, appellant; Hilda Bernstein, appellant; Melva Pante, Virginia Mehegan, Marvin Bernstein, Barbara Russell, John Tuttle, Bob Viereck, John Barbey, Frank Boides, Francisco Cubias, Tom Kelly, Royce Hemby in opposition to project; Robert Passmore, Zoning Administrator for Department of City Planning; Steven L. Vettel, Esq., for Catholic Charities; Mary Lou Goeke, Arnold Lerner, Dick Beam, Al Lanier, Jim Lees, Marjorie Ford Johnson, Jane Graf, Maggie Britton for project.

APPEAL NO. V89-264

(13B) HILDA BERNSTEIN & JOHN BARBEY, Appellants,
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on
[December 5, 1989, to
[Catholic Charities, of
[Off-Street Parking
[Variance sought for
[property located at
[899 Guerrero Street.
[VARIANCE CASE NO. 89.336V.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 4-1 to UPHOLD the variance and to adopt the findings of the Zoning Administrator's variance decision with the same condition plus two additional CONDITIONS: (1) No one associated with the facility shall apply for a Preferential Parking bumper sticker and (2) No motor vehicles will be owned by the occupants of the facility.

SPEAKERS: Ann Voris, Esq., for appellants; Hilda Bernstein, appellant; Rita Klingen, Jeff Schaadt, Hoi Poing Chan, Roberta Scarcello, Bill Mehegan, Bill Carleson, Virginia Mehegan, Marvin Bernstein, Melva Pante, Hilda Bernstein, Charley Scarcello in opposition to project; Robert Passmore, Zoning Administrator for Department of City Planning; Jane Graf, Jim Lees, Dick Beam, Al Lanier for project.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Marks adjourned the meeting at 12:54 A.M.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JANUARY 24, 1990

5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Esther Marks, Vice President Victor Makras, Commissioner Ralph House, Commissioner Paul Melbostad, Commissioner Beverly Prior.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Masaru Seido, President of Fukuyama International, Inc., owner, requesting rehearing of Appeal No. V89-254. Hearing December 13, 1989. Upon motion of President Marks, the Board voted 5-0 to uphold the Zoning Administrator and the granting of the variance for the two lowest floors for parking and to deny the variance for the upper residential floors.

ACTION: After discussion on motion by Vice President Makras, the Board voted 3-2 to **DENY** the request for continuation of consideration and to **DENY** request for rehearing. Commissioners Melbostad and Prior dissented.

SPEAKERS: Robert McCarthy, Esq. for appellant and Steven Vettel, Esq. for Stouffer Hotels.

ITEM B: Letter from David P. Cincotta, Esq., requesting rehearing of Appeal No. 89-259. Hearing January 3, 1990. Appellant had protested the issuance of permit to alter a building at 370-372 Lombard Street. Upon motion by Commissioner Melbostad, the Board voted 5-0 to overrule the departments and to disapprove the permit. Finding: Permit would result in loss of an affordable unit in violation of Proposition M.

ACTION: After discussion on motion by Commissioner Melbostad, the Board voted 5-0 to **DENY** the request for rehearing.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Commissioner Melbostad requested a report to the Board on implementation of recommendations of the Mayor's Affordable Housing Committee by a deputy mayor or other staff.

Items 3A and 3B were heard together.

APPEAL NO. 89-234

(3A) JOTE KEJELA, Appellant
vs.
POLICE COMMISSION, Respondent

[Appealing decision of the
[S.F. Police Commission on
[September 20, 1989, to close
[out Police Public Convenience
[& Necessity Hearing on Taxicab
[matters for year 1988.
[Police Comm. Res. # 1266-89.
[FOR FURTHER HEARING TODAY.

APPEAL NO. 89-235

(3B) TSE S. KWAN, Appellant
vs.
POLICE COMMISSION, Respondent

[Appealing decision of the
[S.F. Police Commission on
[September 20, 1989, to close
[out Police Public Convenience
[& Necessity Hearing on Taxicab
[matters for year 1988.
[Police Comm. Res. # 1266-89.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 3-2 to UPHOLD the Police Commission's decision to close the 1988 Public Convenience and Necessity hearing without changing the number of taxicab medallions. Commissioners House and Prior dissented.

SPEAKERS Officer Leanna Dawydiak, Esq. and Sgt. Gary Manini for S.F.P.D. and Commission; Jote Kejela, Arthur Lewis, Yossadek Desta, Marcus Tafesse, in support of appellant; Cliff O'Neill, Bob Jacobs, Mike Sealey, Arthur Lembke, James O'Connor, Scott McClain, Sean O'Falahee, Al Hall, Carol Taylor, Shirley Chase, John Kerr, Ruach Graffis, Suzanne Cerny, Mark Selby, Lee Christianson, Robert Westermeyer, Richmond Loewenstein, Ed Burke, in opposition.

APPEAL NO. 89-250

(4) NEIGHBORS OF THE EXCELSIOR, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 3, 1989, to
[Louis Stalcar, permit
[to Erect a Structure
[at 632 Persia Street.
[APPLICATION NO. 8810927.
[FOR REHEARING TODAY.

ACTION: After discussion upon motion by Commissioner Melbostad, the Board voted 4-1 to UPHOLD the departments and the permit on CONDITION that the parapet be eliminated at the rear and sides and the front facade be lowered in height 2 feet while keeping the proposed facade design. Vice President Makras dissented.

SPEAKERS: Carol Taylor and Marion Aird for appellants and Kung-Ming Chiu for permit holder; Lawrence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 89-270

(5) W.A. HUTCHESON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on December 18, 1989,
[for work done at
[772 Chenery Street.
[APPLICATION NO. 8918949.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Makras the Board voted 4-1 to **OVERRULE** the department and to **REDUCE** the penalty to $500.00 plus regular fee of $54.00 for a total of $554.00. Commissioner House dissented.

SPEAKERS: Bill Hutcheson and Tony Hwang, contractor; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 89-272

(6) MARSHA AGBUNAG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund
[of Penalty imposed
[on December 12, 1989,
[for work done at
[1270 - 48th Avenue.
[APPLICATION NO. 8921127.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Makras, the Board voted 5-0 to **UPHOLD** the penalty. The appellant did not appear.

APPEAL NO. 89-273

(7) LAI JEAN HO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty
[on December 20, 1989,
[for work done at
[268-70 - 9th Avenue.
[APPLICATION NO. 8817783.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Makras, the Board voted 5-0 to **UPHOLD** the department and the penalty.

SPEAKERS: Lai Jean Ho and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 89-119

(8) USMAN & FATIMA SHAIKH, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on June 5,
[1989, of permit to
[Alter a Building
[at 166 Turk Street.
[APPLICATION NO. 8904434.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by President Marks, the Board voted 5-0 to **UPHOLD** the department and to **DISAPPROVE** the permit.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection and Jimmy Jen, Esq., for appellants; Lawrence Jannuzzi for California Parking Company.

APPEAL NO. 89-274

(9) SPECTRUM FOODS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 14,
[1989, of permit to
[Erect a Sign at 524
[Van Ness Avenue.
[APPLICATION NO. 8807702.
[FOR HEARING TODAY.

ACTION: After discussion the Board **CONTINUED TO CALL OF THE CHAIR** to enable the appellant to seek legislative relief. The Board requested that staff send a letter to the Planning Commission recommending amendments to the Planning Code to enable the appellant to obtain at least a review of the signs with the possibility of issuance.

SPEAKERS: Mark Stevens for Spectrum and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 89-256

(10) NANCY H. NEWELL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 14, 1989, to
[Thomas & Adriana Williams,
[permit to Alter a Building
[at 2733 Pierce Street.
[APPLICATION NO. 8911291.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the departments and **GRANT** the permit.

SPEAKERS: Nancy Newell and Thomas J. Williams, permit holder.

APPEAL NO. 89-275

(11) DONALD L. WYLER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 18, 1989, to
[Diane Bostick and
[Avram Tucker, permit
[to Alter a Building at
[2604 Jackson Street.
[APPLICATION NO. 8920845.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner House, the Board voted 5-0 to **UPHOLD** the departments and to **GRANT** the permit on **CONDITION** the lattice be lowered to 10 feet to comply with the Planning Code.

SPEAKERS: David Wyler and Avram Tucker permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 89-276

(12) KERRY MERRIMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 13, 1989, to
[Edda Piccini, permit
[to Erect a Structure
[at 282 Ripley Street.
[APPLICATION NO. 8816369.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Prior, the Board voted 3-2 to **UPHOLD** the departments and to **GRANT** the permit. President Marks and Commissioner Melbostad dissented.

SPEAKERS: Kerry Merriman, H. Ben Bruner, John Abbott, Ken Rafanam, Terry Milne for appellants; Edda Piccini, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning.

Items 13A, 13B, and 13C were heard together.

APPEAL NO. 89-277

(13A) 12TH & TARAVAL COMMITTEE,
vs. Appellants
DEPT. PUBLIC WORKS,
Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 13, 1989, to
[O'Brien & Sons, permit
[to Erect a Structure
[at 2385 - 12th Avenue.
[APPLICATION NO. 8818581.
[FOR HEARING TODAY.

See Item 13C

APPEAL NO. 89-278

(13B) 12TH & TARAVAL COMMITTEE, vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [December 13, 1989, to [O'Brien & Sons, permit [to Erect a Structure [at 2391 - 12th Avenue. [APPLICATION NO. 8818578. [FOR HEARING TODAY.

See Item 13C

APPEAL NO. 90-008

(13C) 12TH & TARAVAL COMMITTEE, vs. Appellants
DEPT. PUBLIC WORKS Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [December 29, 1989, to [O'Brien & Sons, permit [to Erect a Structure [at 2399 - 12th Avenue. [APPLICATION NO. 8908885. [FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 4-1 to **UPHOLD** the departments and to **GRANT** the permits. Commissioner Prior dissented.

SPEAKERS: Ed Riedy for appellants; Dennis Antenore, Esq. for Les and Rosa Lin; Bob McCarthy for permit holders; Alexander Lawrence, Philip Magalong, Charles Ordahl, Cynthia Skinner, Harry Aleo, Berta Jones, Gunta Golts, Walter Borman, Maureen McInerney and Pat Sharp for appellants; Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-001

(14) GRETCHEN M. BERGGRUEN, et al, vs. Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [December 21, 1989, to [Russian Hill Investors, [permit to Erect a [Structure at 1035, 1039, [& 1045 Vallejo Street. [APPLICATION NO. 8806682. [FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Makras, the Board voted 5-0 to **UPHOLD** the departments and to **GRANT** the permit.

SPEAKERS: Gretchen Berggruen, Dr. Charlotte Thompson; Katie Lewis, permit holder; Steve Vettel, Esq. for permit holders; Richard Bishop, Carol Ann Rogers, Daniel Gregory, Elizabeth Priebocce, Mary Elizabeth Kendrick, Allen Nichols and Putnam Livermore, in support of project; Carmella Waggonner, Theodore Kelter, Joan Taylor, Harry O'Brien, Esq. for Oliver Pollard, Art Zimmerman, Jennifer Thompson, opposing project; Ted Kipping, arborist for permit holders; Toby Levy, architect for appellants.

APPEAL NO. V89-260

(15) VAN HART, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting issuance on
[November 21, 1989, to
[Ann Kirk, of Rear Yard
[Variance sought for
[property located at
[42 Woodland Avenue.
[VARIANCE CASE NO. 89.544V.
[FOR HEARING TODAY.

Appeal withdrawn by appellant by letter from Jack Wholey, Esq. received January 24, 1990 at Board office prior to hearing.

(16) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Commissioner Beverly Prior recommended that the Board oppose the proposed amendment coming up before the Rules Committee on January 30, 1990, which would increase the number of members of the Board to seven.

(17) **Annual election of Board officers.**

Upon motion by Commissioner House the Board voted 5-0 to elect Victor G. Makras president and Esther Y. Marks vice president, each to serve for one year until the next election.

There being no further business, the Board adjourned at 12:49 a.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 31, 1990
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioner Ralph House, Commissioner Paul Melbostad, Commissioner Beverly Prior.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS:

ITEM A: Appeal No. 89-265. Hearing January 10, 1990. Upon motion of Vice President Makras, the Board voted 5-0 to uphold the determination of the Zoning Administrator, with the project outline by Catholic Charities adopted as part of their findings. For proposed group housing facility at 899 Guerrero Street.

ACTION: After discussion upon motion by Commissioner House, the Board voted 4-0 to adopt findings as amended (Commissioner Prior absent).

ITEM B: Appeal No. V89-264. Hearing January 19, 1990. Upon motion of Vice President Makras, the Board voted 4-1 to uphold the Zoning Administrator's variance decision with the addition of conditions. President Marks dissented. For proposed group housing facility at 899 Guerrero Street.

ACTION: After discussion upon motion by Commissioner House, the Board voted 4-0 to adopt findings as amended (Commissioner Prior absent).

REQUESTS FOR REHEARING:

ITEM C: Appeal No. 89-265. Letter from Hilda Bernstein for Liberty Hill Neighborhood Association requesting rehearing. Appellant appealed the Zoning Administrator's determination that the proposed Catholic Charities facility at 899 Guerrero Street is group housing and not a residential care facility under the City Planning Code.

ACTION: After discussion on motion by Commissioner House, the Board voted 5-0 to **DENY** request for rehearing.

ITEM D: Appeal No. V89-264. Letter from Hilda Bernstein for the Liberty Hill Neighborhood Association requesting rehearing. Appellant appealed the granting of an off-street parking variance by the Zoning Administrator to Catholic Charities for the proposed group housing facility at 899 Guerrero Street.

ACTION: After discussion on motion by Vice President Marks, the Board voted 5-0 to **DENY** the request for rehearing.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Jerry Klein, Commissioners Melbostad and Prior.

APPEAL NO. 89-243

(3) WILLIAM S. HANSON, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on October 26, 1989,
[of Massage Establishment
[permit at 1172 Sutter Street
[dba "Nikki's Oriental Massage".
[FOR FURTHER HEARING TODAY.

ACTION: After discussion upon motion by Commissioner House, the Board voted 4-1 (Commissioner Prior dissented) to **OVERRULE** the department on **CONDITION** that permit holder install a time clock; amend business plan and notice to employees; change the name of establishment.

SPEAKERS: Officer Leanna Dawydiak, Esq. and Officer Dan O'Shea for S.F.P.D.; Thomas Steel, Esq. for appellant and William S. Hanson, permit holder.

APPEAL NO. 89-255

(4) PERRY BOUSSINA, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 14,
[1989, of Dance Hall Keeper/
[Place of Entertainment permit
[at 3231 Fillmore Street.
[FOR HEARING TODAY.

ACTION: Upon stipulation by both parties, the appeal was continued to meeting of **February 21, 1990.**

APPEAL NO. 89-145

(5) JERRY F. SCHIMMEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 23, 1989, to
[Jeremias Zeuli, permit
[to Erect a Structure
[at 61 Prentiss Street.
[APPLICATION NO. 8701259.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the departments on the **CONDITIONS** that the permit holder revise the plans of proposed house,

construct a 12-inch public sewer line, reduce the height of roof by deleting the parapet and using one-hour fire resistant roof assembly, ensure the sides and rear of the house match in appearance, and meet Fire Department requirements.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Jerry Schimmel, appellant; Ruth Castro and Patricia Helton in opposition; Jack Wholey, Esq. for appellant, Seamus McGee.

APPEAL NO. 89-249

(6) RENE PEINADO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 1, 1989, to
[Karen Montgomery, permit
[to Alter a Building at
[2154 Sutter Street.
[APPLICATION NO. 8811954.
[FOR REHEARING TODAY.

ACTION: After discussion upon motion by Vice President Marks, the Board voted 5-0 to UPHOLD the departments and GRANT the permit on CONDITION that plans are reviewed by Department of Public Works and plans meet requirements of Bureau of Building Inspection.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Rene Peinado, appellant; Karen Montgomery, permit holder; Robert Hammill, structural engineer; Andy Serkin, Esq. for permit holder.

APPEAL NO. 89-266

(7) MICHAEL A. WAUL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on December 14, 1989,
[for work done at
[1958 Golden Gate Ave.
[APPLICATION NO. 8917079.
[FOR HEARING TODAY.

ACTION: Prior to the hearing CONTINUED to meeting of **February 21, 1990** at request of appellant with agreement of Bureau of Building Inspection (Laurence Kornfield).

APPEAL NO. 90-005

(8) LES NATALI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on January 8, 1990,
[for work done at
[539 Castro Street.
[APPLICATION NO. 8916446.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Prior, the Board voted 4-1 (President Makras dissented) to **OVERRULE** the department and to reduce the penalty to two times the regular fee of $24.06 for a total of $48.12.

SPEAKERS: Les Natali, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-006

(9) TERESA SERRANO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty
[on January 11, 1990,
[for work done at
[161-163 San Carlos St.
[APPLICATION NO. 8908435.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Marks, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department and sustain the penalty.

SPEAKERS: Teresa Serrano, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-007

(10) MR. & MRS. EMIL SKANDARIAN,
vs. Appellants
DEPT. PUBLIC WORKS,
Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 29, 1989, to
[Jay & Ellie Shukert,
[permit Alter a Building
[at 60 San Felipe Avenue.
[APPLICATION NO. 8907647.
[FOR HEARING TODAY.

ACTION: The appeal was **CONTINUED** to meeting of **February 21, 1990** at request of both parties prior to hearing.

APPEAL NO. 90-009

(11) YENNY SADIKIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 3, 1990, to Kin-
[Cheung Leung, permit to
[Alter a Building at
[507-509 - 35th Avenue.
[APPLICATION NO. 8918116.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Prior, the Board voted 5-0 to **UPHOLD** the department on **CONDITION** that the ground floor to bedroom #3 be eliminated; close front door on corridor; recordation of Notice of Special Restrictions to insure one-family use only.

SPEAKERS: David Sung for the appellant; Jerry Klein, for Kin-Cheung Leung; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection and Robert Passmore, Zoning Administrator for City Planning.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Board discussed Board of Supervisor's Charter Amendment to increase the Board's members from five to seven. All signed opposition letter to be sent to Supervisors.

There being no further business, President Makras adjourned the meeting at 7:43 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE SF MEETING OF THE BOARD OF PERMIT APPEALS WEDNESDAY, FEBRUARY 14, 1990 5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioner Ralph House, Commissioner Paul Melbostad, Commissioner Beverly Prior.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

ADOPTION OF FINDINGS:

ITEM A: Appeal No. 90-001. Hearing January 24, 1990. Upon motion of Vice President Makras the Board voted 5-0 to UPHOLD the departments and GRANT the permit to erect a structure at 1035, 1039, and 1045 Vallejo Street.

ACTION: After discussion upon motion by Commissioner House, the Board voted 5-0 to adopt findings as amended.

ITEM B: Appeals No. 89-234 and 89-235. Hearings December 13, 1989 and January 24, 1990. Upon motion by Vice President Makras, the Board voted 3-2 to UPHOLD the Police Commission's decision to close the Public Convenience and Necessity hearing without changing the number of taxicabs medallions. Commissioners House and Prior dissented.

ACTION: After discussion upon motion by President Makras, the Board voted 4-1 (Commissioner House dissented) to adopt findings.

REQUESTS FOR REHEARING:

ITEM C: Appeal No. 89-234. Letter from Jote Kejela requesting rehearing. Appellant appealed the Police Commission's decision to close out Police Public Convenience and Necessity Hearing on Taxicab matters for the year 1988. Upon motion by Vice President Makras, the Board voted 3-2 to UPHOLD the Police Commission's decision to close the Public Convenience and Necessity hearing without changing the number of taxicabs medallions. Commissioners House and Prior dissented.

ACTION: After discussion upon motion by Commissioner Marks, the Board voted 4-1 (Commissioner House dissented) to DENY request for rehearing.

ITEM D: Appeal No. 89-256. Letter from Nancy H. Newell requesting rehearing. Appellant appealed the issuance to Thomas and Adriana Williams permit to alter a building at 2733 Pierce Street. Upon motion by President Makras, the Board voted 5-0 to UPHOLD the departments and GRANT the permit.

ACTION: After discussion upon motion by Commissioner Marks, the Board voted 5-0 to DENY request for rehearing.

ITEM E: Appeal No. 89-278. Letter from the 12th & Taraval Committee requesting rehearing. Appellant appealed the issuance to O'Brien & Sons permit to erect a structure at 2391 - 12th Avenue. Upon motion by Vice President Makras, the Board voted 4-1 to UPHOLD the departments and to GRANT the permits. Commissioner Prior dissented.

ACTION: After discussion upon motion by Commissioner Prior, the Board voted 5-0 to DENY request for rehearing.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Yossedek Desta and Jote Kejela.

ACTION: President Makras presented a plaque to Vice President Marks in recognition of her 1½ years as president.

Items 3A and 3B shall be heard together.

APPEAL NO. 89-007

(3A) GREATER WEST PORTAL NEIGHBORHOOD ASSOCIATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 4, 1989, to
[Barry Kane, permit to
[Demolish a Building at
[14 Edgehill Way.
[APPLICATION NO. 8718138.
[FOR HEARING TODAY.

APPEAL NO. 90-020

(3B) MARJORIE FRAENKEL & KATHERINE DARBY, Appellants
vs.
DEPT. PUBLIC WORKS,
Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 19, 1990, to
[Barry Kane, permit to
[Erect a Structure at
[14 Edgehill Way.
[APPLICATION NO. 8800352.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Commissioner Marks, the Board voted 4-1 (Commissioner Prior dissented) to OVERRULE the departments and DENY permits to demolish a building and erect a one-family house.

SPEAKERS: Katherine Darby and Marjorie Fraenkel, appellants; Barry Kane, permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Robert Arrigoni and Kenneth Jung, architects; Phyllis Ingles, Howard Strassner, Robert Heggie, Betty Alberts, Jack Lachelle, Eva Norton, Jackie Gordon, in opposition; Leafie Smith and Anna Kane, for permit holder.

APPEAL NO. 90-013

(4) MARK GRAEVEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty
[imposed on Janaury 25,
[1990, for work done at
[421 Oak Street.
[APPLICATION NO. 8922711.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to OVERRULE the department and to reduce the penalty to two times the regular fee of $21.13 for a total of $42.26.

SPEAKERS: Mark Graeven, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Joe O'Donoghue for appellant.

APPEAL NO. 90-016

(5) MARIAN S. CHIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund
[of Penalty imposed on
[January 26, 1990, for
[property at 2706-2708
[San Bruno Avenue.
[APPLICATION NO. 8921008.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to UPHOLD the department and sustain the the penalty.

SPEAKERS: Sanford Chin, for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-018

(6) JAMES D. WOLFROM II, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[imposed on January 31,
[1990, for work done at
[140 Capistrano Avenue.
[APPLICATION NO. 8902983.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by President Makras, the Board voted 4-1 (Commissioner Prior dissented) to OVERRULE the department and to reduce the penalty to two times the regular fee of $70.20 for a total of $140.40.

SPEAKERS: James D. Wolfrom, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-015

(7) JOHN G. DAY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
DAHI DISAPPROVAL

[Denial on January 25,
[1990, of permit to
[Alter a Building at
[1910 Baker Street.
[APPLICATION NO. 8924261.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Marks, the Board voted 5-0 to UPHOLD the department and deny the permit to alter a building.

SPEAKERS: John G. Day, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Jack Scott, for appellant.

APPEAL NO. 90-010

(8) ROBERT N. SCHURICHT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 23, 1990, to
[Andrea Gillespie, permit
[to Alter a Building at
[1562-1564 Waller Street.
[APPLICATION NO. 8922682.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by President Makras, the Board voted 5-0 to UPHOLD the department and grant the permit to alter a building.

SPEAKERS: Robert Schuricht, appellant; Stephanie Harriman, permit holder.

APPEAL NO. 90-012

(9) STEPHEN KARPMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 10, 1990, to
[Alexander Liverant, permit
[to Erect a Structure at
[27 Shoreview Avenue.
[APPLICATION NO. 8904556.
[FOR HEARING TODAY.

ACTION: After discussion the Board CONTINUED their consideration to **February 21, 1990**, to allow for a scheduled a site visit at 27 Shoreview for 8:30 a.m. on Tuesday, **February 20, 1990**. All parties are invited to be present. The public hearing was closed.

SPEAKERS: Stephen Karpman, appellant; Alexander Liverant, permit holder; Robert and Linda Fries, Gwenda Davies, Bobbie Sue Hood, Tom McConnell, Latricia Turner, Robert Whitehead, Arthur Gorman, Jennifer Wong, George Meyer, Kathleen Cruise, Jonathan Bulkley, John Pierce, in opposition.

APPEAL NO. 90-014

(10) GORR PARTNERS, dba 660 CENTER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

[Protesting issuance on [January 11, 1990, to [655 Third Street Association, permit to [Alter a Building at [655 Third Street. [APPLICATION NO. 8924529. [FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing.

APPEAL NO. 90-017

(11) JAMES S. MCINERNEY & MYRON PRICE, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

[Protesting issuance on [January 17, 1990, to [Sophie Tse, permit to [Alter a Building at [145 Seacliff Avenue. [APPLICATION NO. 8906627. [FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Marks, the Board voted 5-0 to UPHOLD the department and GRANT the permit to alter a building.

SPEAKERS: James S. McInerney and Myron Price, appellants; Robert Passmore, Zoning Administrator for Department of City Planning; Roslyn R. Dienstein, Esq. for permit holder.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 10:21 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
SPECIAL MEETING (SITE INSPECTION)
OF THE BOARD OF PERMIT APPEALS
TUESDAY, FEBRUARY 20, 1990
8:30 A.M., 27 SHOREVIEW AVENUE

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Robert Feldman, Executive Director for Board of Permit Appeals; Alexander Liverant, permit holder; Bobbie Sue Hood, architect; Dr. Stephen Karpman, appellant; Thomas McConnell, Mrs. Shirley Wong, Mr. and Mrs. Takahashi, Mr. Schwartz, Mrs. Phyllis Lavelle, and Linda and Robert Fries, neighbors supporting the appellant.

APPEAL NO. 90-012

STEPHEN KARPMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 10, 1990, to
[Alexander Liverant, permit
[to Erect a Structure at
[27 Shoreview Avenue.
[APPLICATION NO. 8904556.

The Board and others gathered on the front lawn of the site and looked at a model of the proposed house held by Ms. Hood. Ms. Hood said that Mr. Liverant was willing to setback the proposed house 1½ feet and to lower the height 9 inches. The neighbors and Ms. Hood described their understanding of how the front facade related to the existing facades of the adjacent houses. The Board then walked to the rear yard and the parties described the probable affects of the proposed house on the adjacent houses. Then the Board visited 29 Shoreview, the housed owned by Dr. Karpman, and went up to the penthouse to view the site. Finally, the Board crossed the street and viewed the avenue and the setbacks from the sidewalk in front of 52 Shoreview as requested by Ms. Fries. The meeting was adjourned at 9:05 a.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 21, 1990
5:00 P.M, ROOM 282, CITY HALL

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Nancy M. Conway, Esq., attorney for Eileen Weglarz, requesting the Board to take jurisdiction over permit issued for demolition of a single family residence at 1111 Green Street. Application No. 8920281.

Permit issued	January 19, 1990
Appeal period ended	February 3, 1990
Request for jurisdiction	February 14, 1990

ACTION: After discussion, upon motion of Commissioner Melbostad, the Board voted 5-0 to **GRANT** jurisdiction. Ms. Weglarz has 15 days to file an appeal.

SPEAKERS: None.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-012

(3) STEPHEN KARPMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[January 10, 1990, to
[Alexander Liverant, permit
[to Erect a Structure at
[27 Shoreview Avenue.
[APPLICATION NO. 8904556.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner Prior dissented) to **UPHOLD** the departments and to **GRANT** the permit on **CONDITION** that the roof line is lowered nine inches and the house is set back an additional 4.5 feet from the property line.

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APPEAL NO. 89-255

(4) PERRY BOUSSINA, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 14, 1989, of Dance Hall Keeper/ Place of Entertaiment permit at 3231 Fillmore Street.
[FOR HEARING TODAY.

ACTION: Prior to hearing **CONTINUED** to **March 28, 1990** at the request of Jeffrey Perkins, attorney for appellant with agreement of respondent (Officer Leanna Dawydiak), to allow time to finish sound-proofing the premises.

APPEAL NO. 90-019

(5) FELIX A. SABLAD & ASTER T. SAQUING, Appellants
vs.
POLICE DEPARTMENT, Respondent

[Denial on January 16, 1990 of Dance Hall/ Place of Entertaiment permit dba "Filipino American Council of San Francisco, Inc." at 3416 - 19th Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **OVERRULE** the department on the **CONDITION** that live music shall be played only from 11:00 a.m. to 2:00 p.m. and hours may be amended as conditions arise; the level of music shall meet the minimum standards of the Police Code and Section 221(f) of the Planning Code; no amplifiers shall be used by the band playing in the center; there shall be a 12 month probationary period and review by Chief of Police.

SPEAKERS: Aster Saquing, appellant; Franco H. Consolacion and Lois S. Hoskings, in support; Freda McKinley in opposition; Officer Leanna Dawydiak, Esq. and Sergeant Stephen A. Tacchini, S.F.P.D.

APPEAL NO. 89-266

(6) MICHAEL A. WAUL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on December 14, 1989, for work done at 1958 Golden Gate Ave.
[APPLICATION NO. 8917079.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department and sustain the penalty.

SPEAKERS: Michael A. Waul, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-025

(7) TED BACINO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty
[imposed on February 6,
[1990, for work done at
[16 Hill Street.
[APPLICATION NO. 8921370.
[FOR HEARING TODAY.

ACTION: The appeal was **CONTINUED** to meeting of **March 7, 1990** at request of Anto Aghapekian, architect for appellant prior to hearing.

APPEAL NO. 90-026

(8) YUHUM DIGDIGAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty
[imposed on February 8,
[1990, for work done at
[700 San Bruno Avenue.
[APPLICATION NO. 8922780.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **OVERRULE** the department and to reduce the penalty to two times the regular fee of $21.13 for a total of $42.26.

SPEAKERS: Yuhum Digdigan, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-007

(9) MR. & MRS. EMIL SKANDARIAN,
vs. Appellants
DEPT. PUBLIC WORKS,
Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 29, 1989, to
[Jay & Ellie Shukert,
[permit to Alter a Building
[at 60 San Felipe Avenue.
[APPLICATION NO. 8907647.
[FOR HEARING TODAY.

ACTION: Continued to **March 28, 1990** at the request of Christine Tour-Sarkissian, attorney for appellant with agreement of permit holder.

APPEAL NO. 90-023

(10) CAL STATE BUILDERS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing conditions
[attached to the alteration
[permit issued on January
[25, 1990, to John David York
[requiring installation of a
[guardrail and firewall along
[the stairway of the building
[at 2307 California Street.
[APPLICATION NO. 8924212.
[FOR HEARING TODAY.

ACTION: The appeal was **CONTINUED** to meeting of **March 7, 1990** at the request of both parties prior to hearing.

(11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection, discussed the need to revise penalty provisions of the Building Code.

There being no further business, President Makras adjourned the meeting at 6:48 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 7, 1990

5:00 P.M, ROOM 282, CITY HALL

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(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS:

ITEM A: Appeal No. 90-017. Hearing February 14, 1990. Upon motion of Vice President Marks, the Board voted 5-0 to **UPHOLD** the departments and **GRANT** the permit to alter a building at 145 Seacliff Avenue.

ACTION: After discussion upon motion by Commissioner House, the Board voted 5-0 to **ADOPT** findings as amended.

REQUESTS FOR REHEARING:

ITEM B: Appeals No. 89-007 and 90-020. Hearing February 14, 1990. Upon motion Vice President Marks, the Board voted 4-1 to **OVERRULE** the departments and **DENY** permits to demolish a building and erect a new one-family house at 14 Edgehill Way. Commissioner Prior dissented.

ACTION: After discussion upon motion by Commissioner House, the Board voted 2-3 (Commissioners Makras, Melbostad and Prior dissented) to not grant request for rehearing. Then on motion by President Makras to grant rehearing, the Board voted 3-2 (Commissioners Marks and House dissented). Four votes being necessary, the motion fails and request **NOT GRANTED**.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Terry Milne, Laurence Kornfield, Robert Passmore, and Commissioner Melbostad.

APPEAL NO. 90-011

(3) DAVID PARKER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for refund
[of penalty imposed
[on January 24, 1990,
[for work done at
[737 Pine Street.
[APPLICATION NO. 8916345.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $41.61 for a total of $83.22.

SPEAKERS: David Parker, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-025

(4) TED BACINO, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of penalty
[on February 6, 1990,
[for work done at
[16 Hill Street.
[APPLICATION NO. 89121370.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $227.18 for a total of $454.36.

SPEAKERS: Ted Bacino, appellant; Laurence Kornfield, Chief Building Inspector for for Bureau of Building Inspection.

APPEAL NO. 90-027

(5) RITA GIGLIO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of penalty
[on January 9, 1990,
[for work done at
[343 - 346 Texas Street.
[APPLICATION NO. 8914140.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the departments and to **SUSTAIN** the penalty.

SPEAKERS: Rita Giglio, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-028

(6) FU-MEI YEN LIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of penalty
[on February 7, 1990,
[for work done at
[1457 - 9th Avenue.
[APPLICATION NO. 8912235.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner Prior dissented) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Fu-Mei Yen Lin, appellant; Yee-Ju Lin, appellant's daughter; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-029

(7) SOON JA KIM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for refund
[of penalty imposed
[on February 13, 1990,
[for work done at
[1774 Newcomb Avenue.
[APPLICATION NO. 9002624.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $54.00 for a total of $108.00.

SPEAKERS: Soon Ja Kim, appellant; Sarah K. Yoon, friend of appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-032

(8) INDRASINH C. MAHIDA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of penalty
[on February 21, 1990,
[for work done at
[1939 - 43 Mission St.
[APPLICATION NO. 9000865.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Commissioner Prior dissented) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Indrasinh C. Mahida, appellant; Charley P. Patel, permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-023

(9) CAL STATE BUILDERS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing conditions [attached to the alteration [permit issued on January [25, 1990, to John David York [requiring installation of a [guardrail and firewall along [the stairway of the building [at 2307 California Street. [APPLICATION NO. 8924212. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the departments with the **FINDINGS** that the alteration permit is for repairs, not replacement of the stairway; the stairway will not be more hazardous than before the repairs; and the stairway is in character with the two adjacent properties.

SPEAKERS: Deane Guthrie, for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, City Attorney's Office.

The Board recessed from 6:53 p.m. to 7:05 p.m. when the President reconvened the meeting.

APPEAL NO. 90-030

(10) ALBERT MARTINELLI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on February 9, 1990, [of permit to Alter a Building [at 2182 - 28th Avenue. [APPLICATION NO. 8923501. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to uphold the departments and deny the permit to alter a building.

SPEAKERS: Derrick Wu, architect; Laurence Passmore, Chief Building Inspector for Bureau of Building Inspection; Albert Martinelli, Sr., appellant; Albert Martinelli, Jr., appellant's son; Robert Milne, in opposition.

APPEAL NO. 90-031

(11) ROBERT F. JOHNSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 5, 1990, to
[Mike Dyslin, permit to
[Alter a Building at
[124 - 20th Avenue.
[APPLICATION NO. 8912035.
[FOR HEARING TODAY.

ACTION: Prior to hearing **CONTINUED** to **March 28, 1990** at the request of Seth Curlin, architect for permit holder.

(12) **Consideration of department budget for FY 1990 - 1991.**

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **ADOPT** the department budget.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 7:22 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 14, 1990

5:00 P.M., ROOM 282, CITY HALL

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(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Matilde Gomez, requesting the Board to take jurisdiction over permit issued for a structural addition to a building at 54 - 56 Elizabeth Street. Application No. 8902491.

Permit issued	October 13, 1989
Appeal period ended	October 30, 1989
Request for jurisdiction	March 7, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 2-2 (President Makras absent, Commissioners Marks and Prior dissented) to grant jurisdiction. Four votes being necessary, the motion fails and request **NOT GRANTED**.

ITEM B: Letter from Patricia A. McColm, requesting the Board to take jurisdiction over permit issued for a vertical addition to a building at 588 Miramar Avenue. Application No. 8818500.

Permit issued	January 3, 1990
Appeal period ended	January 18, 1990
Request for jurisdiction	March 8, 1990

ACTION: After discussion the Board **CONTINUED** their consideration to **March 28, 1990**, to allow time to notice the permit holder of the request for jurisdiction.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-021

(3) YOSSEDEK M. DESTA, Appellant
vs.
POLICE COMMISSION, Respondent

[Revocation by the Police
[Commission issued on January
[19, 1990 of authorization
[for a motorized rickshaw/
[sightseeing bus permit.
[FOR HEARING TODAY.

ACTION: Prior to hearing **CONTINUED** to **April 4, 1990** at the request of appellant with agreement of respondent (Officer Leanna Dawydiak).

APPEAL NO. 90-033

(4) WALTER CASTILLO, dba
"The Transfer Club", Appellant
vs.
POLICE DEPARTMENT, Respondent

[Denial on February 7, 1990,
[of Cabaret/Dance Hall Keeper/
[Place of Entertainment-Amendment
[permit dba "The Transfer Club"
[at 3225 - 22nd Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-0 (President Makras absent) to **UPHOLD** the department and **DENY** the permit with **FINDINGS** that the original conditions of the permit have changed; a new permit is needed for the new address; increasing the seating capacity from 120 to 300 needs S.F.P.D. approval.

SPEAKERS: Officer Leanna Dawydiak, attorney for S.F.P.D., Judith Boyajian, City Attorney's Office; Mary Gallagher, Planner for City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Harris Weinberg, attorney for appellant; Myrna Flores, Hilda Bernstein, Diane Rodden, Lorraine Yeoman, Ike Guillory, Sharon Slone-Ghaly, John Barbey, Mary Harden, Barbara Bock, Aaron Straus, James Keefer, David Helder, Rose Chuchwar, Audrey Revell, in opposition.

APPEAL NO. 90-037

(5) LUPE & JULIE SANCHEZ, Appellants
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of penalty on
[February 23, 1990, for work
[done at 53 Camelia Avenue
[APPLICATION NO. 8917456.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-0 (President Makras absent) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to $500.00 plus the regular fee of $125.78 for a total of $625.78.

SPEAKERS: Robert Sanchez, appellant's brother and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-035

(6) DAVID & DORISE FORD, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 13, 1990, to Bob
[& Mary Ness, permit to
[Alter a Building at 219
[Douglass Street.
[APPLICATION NO. 8909250.
[FOR HEARING TODAY.

ACTION: Appeal was WITHDRAWN by letter from David R. Ford, appellant on **March 12, 1990,** prior to hearing.

APPEAL NO. 90-040

(7) JOHN HICKEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 26, 1990, to Joe
[Toboni, permit to Erect a
[Structure at 1867 Alemany
[Boulevard.
[APPLICATION NO. 8911437.
[FOR HEARING TODAY.

ACTION: Appeal was WITHDRAWN by letter from John Hickey, appellant on **March 12, 1990,** prior to hearing.

APPEAL NO. V90-038

(8) DAVE SWAN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on February
[16, 1990, to John Walsh, Rear
[Yard, Dwelling Unit Exposure,
[Lot Width & Distance to Resi-
[dential District Variances
[sought for property located at
[356 - 12th Street.
[VARIANCE CASE NO. 89.118V.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-0 (President Makras absent) to UPHOLD the department and findings of the Zoning Administrator.

SPEAKERS: Dave Swan, appellant; John Walsh, Richard Abbott, Robert Carlson, in favor; Terry Thompson, Karen Koltonow, Robert Roberts, in opposition; Mary Gallagher, Planner for City Planning.

(9) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, Vice President Marks adjourned the meeting at 8:03 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 28, 1990

4:30 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ITEM A: Presentation by Lois Scott and Roger Herrera, Housing Planners of the Department of City Planning, on the draft revision of the Residence Element of the Master Plan (30 minutes).

Regular calendar to begin at 5:00 p.m.

REQUEST FOR JURISDICTION BEYOND THE FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Patricia A. McColm, requesting the Board to take jurisdiction over permit issued for a vertical addition to a building at 588 Miramar Avenue. Application No. 8818500.

Permit issued	January 3, 1990
Appeal period ended	January 18, 1990
Request for jurisdiction	March 8, 1990

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **NOT GRANT JURISDICTION.**

ITEM C: Letter from Gilbert Eisenberg, Esq., attorney for Yo Im Wilson, requesting the Board take jurisdiction over revocation of an Outcall Massage Service permit for the "Asia Garden" at 1171 Plymouth Avenue.

Permit revoked	January 16, 1990
Appeal period ended	January 31, 1990
Request for jurisdiction	March 15, 1990

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **NOT GRANT JURISDICTION.**

ITEM D: Letter from Balvi Casas requesting the Board to take jurisdiction over denial of a Billiard Parlor permit for "Pete's Corner" at 1480 Alabama Street.

Permit denied	January 24, 1990
Appeal period ended	February 8, 1990
Request for jurisdiction	March 15, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **NOT GRANT JURISDICTION.**

ITEM E: Letter from Nancy M. Conway, Esq., attorney for Richard Banks, requesting Board take jurisdiction over permit issued for demolition of a warehouse at 678 South Van Ness Avenue. Application No. 9001262.

Permit issued	February 21, 1990
Appeal period ended	March 8, 1990
Request for jurisdiction	March 14, 1990

ACTION: After discussion, upon motion by Commissioner Marks, the Board voted 2-3 to grant jurisdiction (Commissioners House, Melbostad and Prior dissented). Upon further motion, by Commissioner House, the Board voted 3-2 to not grant jurisdiction. Four votes being necessary, the motion fails and request for **JURISDICTION NOT GRANTED.**

ITEM F: Letter from Monica Heath, requesting the Board take jurisdiction over permit issued for construction of a retaining wall at 1915 Sacramento Street. Application No. 9003157.

Permit issued	February 15, 1990
Appeal period ended	March 2, 1990
Request for jurisdiction	March 19, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **NOT GRANT JURISDICTION.**

The Board urged Ms. Heath to write to the department about her concerns.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: At Vice President Marks' request, Laurence Kornfield, Chief Building Inspector reported on 3269 - 71 Harrison Street construction. The Board requested that the Executive Director write to Mr. Terry Milne, complainant, of Mr. Kornfield's findings.

APPEAL NO. 88-302

(3) STEPHEN GAITHER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[November 7, 1988, to
[Doris Morphew, permit
[to Alter a Building
[at 4465 - 17th Street.
[APPLICATION NO. 8712335.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: The Executive Director reported that the appellant died in October, 1989 according to the appellant's former roommate.

APPEAL NO. 89-255

(4) PERRY BOUSSINA, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 14,
[1989, of Dance Hall Keeper/
[Place of Entertaiment permit
[at 3231 Fillmore Street.
[FOR HEARING TODAY.

ACTION: Prior to hearing **CONTINUED** to **April 25, 1990** at the request of Jeffrey Perkins, attorney for appellant with agreement of respondent (Officer Leanna Dawydiak).

APPEAL NO. 90-041

(5) FAROUK K. KHODOR, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Suspension on February 27,
[1990, of Driver Public
[Vehicle permit dba "Sunshine
[Cab Company."
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **UPHOLD** the department.

APPEAL NO. 90-022

(6) MURIEL J. LOCKNER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty
[on February 6, 1990,
[for work done at
[51 Melrose Avenue.
[APPLICATION NO. 9001469.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to $750.00.

SPEAKERS: Muriel Lockner, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-043

(7) WILLIAM WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on February
[22, 1990, for work done at
[2981 Sacramento Street.
[APPLICATION NO. 8925115.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Marks, the Board voted 4-1 (Commissioner Prior dissented) to **UPHOLD** the department.

SPEAKERS: William Wong, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-044

(8) DAVID R. LOPEZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on March
[6, 1990, for work done at
[3422-24 San Bruno Avenue.
[APPLICATION NO. 8920697.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (President Makras dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $59.16 for a total of $118.32.

SPEAKERS: David R. Lopez, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:01 to 7:20 p.m.

APPEAL NO. 90-036

(9) WILLIAM C. TURNER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on February 20, [1990, of permit to Alter [a Building at 167 Cresta [Vista Drive. [APPLICATION NO. 8910929. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 2-3 (President Makras, Commissioners Melbostad and Prior dissented) to **UPHOLD** the department. Four votes being necessary to overrule a department, the department is upheld.

SPEAKERS: William C. Turner, appellant; Robert Passmore, Zoning Administrator for for Department of City Planning.

APPEAL NO. 90-039

(10) STANLEY DINTCHO, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING COMMISSION APPROVAL

[Appeal of conditions by [City Planning Commission on [February 22, 1990, attached to [approval of permit to Alter a [Building at 2253 Union Street [(MOTION NO. 11776). [APPLICATION NO. 8817405. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: John McInerney, attorney for appellant; Ron Wallace, architect; Stanley Dintcho, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Dennis Beckman, Charlotte Kessley, Lynne Deegan, Margaret Burnett-Titus; Merna Wechsler, Howard C. Wechsler, M.D., Dickson Titus, Ken Ludhum, Virginia Hamren, in opposition; Joe O'Donoghue, William Thele, Jr., Joe Kissel, Gilbert Block, in favor of appellant.

APPEAL NO. 90-031

(11) ROBERT F. JOHNSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[February 5, 1990, to
[Mike Dyslin, permit to
[Alter a Building at
[124 - 20th Avenue.
[APPLICATION NO. 8912035.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 3-2 (Commissioners House and Prior dissented) to UPHOLD the department. Four votes being necessary to impose conditions, no conditions are imposed.

SPEAKERS: Jack Scott, consultant for appellant; Robert Johnson, appellant; Mike Dyslin, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; Seth Curlin, architect.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 9:35 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearing may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 4, 1990

4:30 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

(1) **EXECUTIVE SESSION:**

ITEM A: The Board of Permit Appeals met in executive session (closed to public) for the purpose of discussing litigation with legal counsel. This meeting was in compliance with the California Govern Code Sec. 54957.
Appeals No. 89-293, 89-294, 89-295
959 Powell and 8 Wetmore (Residential Development)
Superior Court No. 908 819.

Regular calendar to begin at 5:00 p.m.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-047

(3) RENE' ERNEST PEINADO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on February,
[28, 1990, to Karen Montgomery,
[permit to Alter a Building at
[at 2154 - 2158 Sutter Street.
[APPLICATION NO. 9002169.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: Rene' Peinado, appellant; Andrew Sirkin, attorney for permit holder; Emmanuel Pun, architect; Joan MacQuarrie, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-053

(4) LAURA AND FRANK HUGG, Appellants
vs.
DEPT. OF PUBLIC WORKS, Respondent

[Imposition of Penalty on
[March 23, 1990, for work
[done at 462 Kansas Street.
[APPLICATION NO. 8904383.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Makras and Vice President Marks dissented) to overrule the department with the condition that the penalty be reduced to $500.00 plus the regular fee of $50.70 for a total of $550.70. Four votes being necessary to overrule a department, the department is **UPHELD.**

SPEAKERS: Laura and Frank Hugg, appellants; Joan MacQuarrie, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-054

(5) KAY L. CHENG, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on March
[23, 1990, for work done at
[1257 Ulloa Street.
[APPLICATION NO. 8911520.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $152.10 for a total of $304.20.

SPEAKERS: Kay Cheng, appellant; Simon Cheng, appellant's husband; Joan MacQuarrie, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-055

(6) BEN GEFFEN, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[March 27, 1990, for work
[done at 26 Church Street.
[APPLICATION NO. 8920401.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $50.38 for a total of $100.76.

SPEAKERS: Ben Geffen, appellant; Joan MacQuarrie, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-056

(7) BEATRICE LAU, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on March
[20, 1990, for work done at
[1971 - 28th Avenue.
[APPLICATION NO. 8914803.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: Beatrice Lau, appellant, Joan MacQuarrie, Senior Building Inspector, Bureau of Building Inspection.

APPEAL NO. 90-057

(8) RAMIREZ ROOFING COMPANY, Appellant
vs.
DEPT. OF PUBLIC WORKS, Respondent

[Imposition of Penalty on
[March 29, 1990, for work
[done at 544 Guerrero Street.
[APPLICATION NO. 9003713.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (Commissioner Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty by reduced to two times the regular fee of $138.45 for a total of $276.90.

SPEAKERS: Cirilo Ramirez, appellant; Joan MacQuarrie, Senior Building Inspector, Bureau of Building Inspection.

APPEAL NO. 90-048

(9) DOROTHY REED & KATHLEEN FANOE, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March
[9, 1990, to Dewey Green, per-
[mit to Alter a Building at
[at 3187 Clay Street.
[APPLICATION NO. 8921038.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department.

SPEAKERS: Greg Gilchrist, in behalf of appellants; Dorothy Reed, appellant; Allan Levy, architect; Martha Nabers, in opposition.

10) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

here being no further business, President Makras adjourned the meeting at 7:20 p.m.

Robert H. Feldman
Executive Director

ranscripts of these hearings may be obtained directly from Doris Levine, the Official ourt Reporter, (415) 456-9899.

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MINUTES OF

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 18, 1990

5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning, Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection, Judith Boyajian, Deputy City Attorney, Doris Levine, Official Court Reporter, and Robert Feldman, Executive Director for the Board.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

None.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-058

(3) SOLEIMAN BENJEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[March 29, 1990, for work done
[at 1969 California Street.
[APPLICATION NO. 8922157.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee of $740.35 or $1,480.70.

SPEAKERS: Greg Holtzman for appellant, Soleiman Benjee, and Laurence Kornfield, Chief Building Inspector for Bureau for Building Inspection.

APPEAL NO. 90-059

(4) THOMAS A. LO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[March 29, 1990, for work done
[at 472 - 74 Grove Street.
[APPLICATION NO. 8923503.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (Commissioner House dissented) to **OVERRULE** the department and reduce the penalty to two times the regular fee of $125.78 or $251.56.

SPEAKERS: Thomas Lo, Laurence Kornfield, Chief Building Inspector and Robert Passmore, Zoning Administrator for Department of City Planning.

Items A, B, and C shall be heard together.

APPEAL NO. 90-002

(5A) JOSIF DUBROVSKY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on January 5, 1990,
[of permit to Demolish a
[Building at 124 - 27th Avenue.
[APPLICATION NO. 8921450.
[FOR HEARING TODAY.

APPEAL NO. 90-003

(5B) ANATOLY & ALLA KOSOY, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 21, 1989
[of permit to Demolish a
[Building at 126 - 27th Avenue.
[APPLICATION NO. 8909444.
[FOR HEARING TODAY.

APPEAL NO. 90-004

(5C) ANATOLY & ALLA KOSOY, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on December 21, 1989
[of permit to Erect a Structure
[at 126 - 27th Avenue.
[APPLICATION NO. 8909442.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the departments and disapprove the three permits. The Findings of the Planning Commission were adopted.

SPEAKERS: Jack Wholey, Esq. for appellants; William Abend submitted a letter for appellant Josif Dubrovsky making Mr. Wholey his representative; Robert Passmore, Zoning Administrator for the Department of City Planning; Judith Boyajian, Deputy City Attorney; Mark Rysor, Foundation for S.F. Architectural Heritage; Mary Hanni, architect for Mr. Kosoy; neighbors in opposition to project: Irwin Leff, Delcey Watkins, Sue Danielson, Bev Klein, Gene Galvin, Jill Lerner Hallinan, Edith McMillan.

APPEAL NO. 90-051

(6) NOB HILL CHICKEN & RIBS #2, Appellant
vs.
HEALTH DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

[Denial on March 1, 1990,
[of permit for Fast Food
[restaurant at 655 Clay St.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion to overrule by Commissioner Melbostad, the Board voted 2-3 (Vice President Marks, Commissioners House and Prior dissented). Four votes being necessary to overrule the department, the department is **UPHELD** and the permit is **DENIED**.

SPEAKERS: Allan Haffner, appellant; Robert Passmore, Zoning Administrator for Department of City Planning and Lisa Paladino, Senior Inpsector for Department for Public Health.

APPEAL NO. 90-050

(7) DALE & JOSEPH SOLARIC, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March
[1, 1990, to Van and Mieko
[Obermuller, permit to Demolish
[a Building at 1131 Irving St.
[APPLICATION NO. 8908720.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **UPHOLD** the demolition permit on **CONDITION** that the actual demoliton be stayed until the building permit for the replacement building has been issued and all administrative appeal periods have run.

SPEAKERS: Joseph Solaric, Matthew Davis for appellant; Robert Passmore, Zoning Administrator for City Planning and Alice Barkley, Esq., for permit holder.

APPEAL NO. 90-052

(8) JO ELLEN DYER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March
[6, 1990, to Donald Stroh,
[permit to Alter a Building at
[453 Liberty Street.
[APPLICATION NO. 8810197.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion, by President Makras, the Board voted 4-1 (Vice President Marks dissented) to **UPHOLD** the departments and to grant the permit.

SPEAKERS: Jo Ellen Dyer, Robert Passmore, Zoning Administrator for Department of City Planning; Donald Stroh, permit holder; Larry Paul, architect for permit holder; Joe O'Donoghue and Nick Jarrett in support of project; Patrick O'Farrell, appellant.

APPEAL NO. V90-049

(9) ANDY FORREST, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on March 6, 1990, of
[Rear Yard Variance sought for
[property located at 290 - 294
[Liberty Street.
[VARIANCE CASE NO. 89.338V.
[FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to April 25, 1990, at request of appellant.

(10) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:38 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 25, 1990

5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator and Barry Pearl, Planner, for the Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian and David Fox, Deputy City Attorneys; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Appeal No. 90-053. Hearing April 4, 1990. Upon motion of Commissioner House, the Board voted 3-2 to overrule the department. Four votes being necessary to overrule, the department is deemed **UPHELD** and the penalty **SUSTAINED**. President Makras and Vice President Marks dissented.

ACTION: After discussion, upon motion by Vice President Marks to not grant a rehearing, the Board voted 2-3 (Commissioners House, Melbostad and Prior dissented). Four votes being necessary to grant a rehearing, the request is **DENIED**.

REQUEST FOR REHEARING BEYOND TEN-DAY PERIOD:

ITEM B: Letter from Michael A. Waul, appellant in Appeal No. 89-266, requesting the Board to allow him to file a request for rehearing beyond the ten-day period set forth in Section 6 of Article 5 of the Board's Rules.

Date of Board's decision upholding department	February 21, 1990
Last day to file request for rehearing	March 5, 1990
Date of letter requesting permission to file	April 5, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to not grant the request to file a request for rehearing beyond the 10-day period. Request **DENIED**.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from Kent Pasek request the Board to take jurisdiction over permit issued for an expansion of the residence at 786 - 27th Street. Application No. 8819442. DR: 89.092D.

Permit issued	December 13, 1990
Appeal period ended	December 28, 1990
Request for jurisdiction	April 9, 1990

ACTION: After discussion, the Board CONTINUED their consideration to the meeting of **May 9, 1990.**

SPEAKER: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 89-255

(3) PERRY BOUSSINA, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 14, 1989,
[of Dance Hall Keeper/Place of
[Entertainment permit at
[3231 Fillmore Street.
[FOR HEARING TODAY.

ACTION: CONTINUED to meeting of **June 13, 1990** at the request of the parties prior hearing.

APPEAL NO. 90-064

(4) STANLEY CHABAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[April 4, 1990, for work done
[done at 1563-1565 - 11th Ave.
[APPLICATION NO. 8920652.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing by letter from appellant dated April 25, 1990.

APPEAL NO. 90-063

(5) THOMAS J. BRADY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on April 3, 1990,
[permit to Alter a Building at
[4130 - 21st Street.
[APPLICATION NO. 8816912.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the departments and to grant the permit on **CONDITION** that the permit holder record a Notice of Special Restrictions prepared by the Department of City Planning restricting the use of the basement space in compliance with the Planning Code, reducing the basement bathroom to a half-bath, with no business office open to the general public in the building.

SPEAKERS: Thomas J. Brady and Asa DeMatteo, appellants; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-046

(6) EILEEN WEGLARZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on January
[19, 1990, to Tudor Hill Partner-
[ship, permit to Demolish a Build-
[ing at 1111 Green Street.
[APPLICATION NO. 8920281.
[FOR HEARING TODAY.

ACTION: After discussion, the Board **CONTINUED** their consideration to the meeting of **May 16, 1990** for a report by the permit holder on his plans to bring the property into compliance with the Codes. **The public hearing was closed.**

SPEAKERS: Eileen Weglarz, appellant, Nancy Conway, Esq., her attorney; Barry Pearl, Planner and Robert Passmore, Zoning Administrator for the Department of City Planning; George Hoffberg, permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; David Fox, Deputy City Attorney, Abatement Litigation Team; neighbors opposing demolition: Bill Bailey, and Joseph Butler of Russian Hill Neighbors.

The Board recessed from 7:00 to 7:10 p.m.

APPEAL NO. 90-062

(7) RUSSIAN HILL NEIGHBORS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on March 20, [1990, to Joan Crowley, permit [to Alter a Building at [1164 - 66 Filbert Street. [APPLICATION NO. 8915654. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the permit on **CONDITION** that the plans be revised to delete the penthouse entirely and to relocate the mechanical equipment on the third floor and to lower the parapet to a maximum height of three feet, six inches and to cover the roof stairs with a roof hatch.

SPEAKERS: Joseph Butler and Arthur Zief, appellants; Robert Passmore, Zoning Administrator the Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Joan Crowley, permit holder; Rosemary Kofler and Eliot Freed supporting the appellants.

APPEAL NO. V90-049

(8) ANDY FORREST, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on March 6, 1990, of [Rear Yard Variance sought for [property located at 290 - 294 [Liberty Street. [VARIANCE CASE NO. 89.338V. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the denial of the variance and to adopt the findings by the Zoning Administrator.

SPEAKERS: Andy Forrest, appellant and William Kleinecke, owner; Robert Passmore, Zoning Administrator for Department of City Planning.

(9) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:42 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 9, 1990

5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for the Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Jack Wholey, Esq. requesting rehearing of Appeal No. 90-002, 90-003 & 90-004. Hearing April 18, 1990. After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the departments and disapprove the three permits. The Findings of the Planning Commission were adopted.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (Commissioner House dissented) to **DENY** the request for rehearing.

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Kent Pasek requesting the Board to take jurisdiction over permit issued for an expansion of the residence at 786 - 27th Street. Application No. 8819442. DR: 89.092D.

Permit issued	December 13, 1989
Appeal period ended	December 28, 1989
Request for jurisdiction	April 9, 1990

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **DENY** the request for jurisdiction beyond the fifteen-day appeal period.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Ken Pasek and Celia Cain.

APPEAL NO. 88-154

(3) IZKO POSLAVSKY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 7, 1988, of
[permit to Alter a Building
[at 1588 - 18th Avenue.
[APPLICATION NO. 8709900.
[REMAND FROM SUPERIOR COURT.
[CASE NO. 900 453.

The Superior Court granted a writ of mandamus to the Planning Department and remanded the case back to the Board to set aside its earlier decision and to uphold the departments.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **SET ASIDE** the original decision of the Board of August 24, 1988 granting the permit and to **UPHOLD** denial by the departments.

SPEAKERS: Judith Boyajian, Deputy City Attorney; David P. Cincotta, Esq., attorney for appellant.

APPEAL NO. 90-066

(4) CHARTER CONSTRUCTION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty
[imposed on April 16, 1990,
[for work done at 2 - 10th
[Avenue.
[APPLICATION NO. 9004316.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 2-3 (Vice President Marks, Commissioners Melbostad and Prior dissented) to uphold the department. Four votes being necessary to overrule, the department is deemed **UPHELD** and the penalty **SUSTAINED**.

SPEAKERS: Sanford Garfinkel, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-067

(5) LOUIS CHAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on April
[19, 1990, for work done
[at 1615 - 41st Avenue.
[APPLICATION NO. 9009414.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (Commissioner House dissented) to **OVERRULE** the department and reduce the penalty to two times the regular fee of $140.40 or $280.80.

APPEAL NO. 90-069

(6) DAVID LEIGH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on April
[20, 1990, for work done
[at 2679 - 38th Avenue.
[APPLICATION NO. 8903366.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **UPHOLD** the department and to **SUSTAIN** the penalty.

SPEAKERS: David Leigh and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-073

(7) ORESTE LANDI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on April
[25, 1990, for work done
[479 Vienna Street.
[APPLICATION NO. 8923224.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the department and to **SUSTAIN** the penalty.

SPEAKERS: Oreste Landi and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:08 to 7:25 p.m.

APPEAL NO. 90-065

(8) SAMMY AU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on March 29, 1990,
[permit to Alter a Building
[at 3421 Rivera Street.
[APPLICATION NO. 8905252S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the decision of Department of City Planning and to **DISAPPROVE** the permit.

SPEAKERS: Sammy Au, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Ronald Weber, Dorothy McDougall, William Meyer, Charles Huff, in opposition; William Yee, Gail Chin, and John Dake, in support of the project.

APPEAL NO. 90-070

(9) MARY E. WRIGHT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Denial on April 11, 1990,
[permit to Alter a Building
[at 3461-63 Sacramento Street.
[APPLICATION NO. 8918665.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner House dissented) to **OVERRULE** the department with **FINDINGS** that there was never a third unit used for residential occupancy and therefore, never a change of use from commercial.

SPEAKERS: Mary Wright and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

Items 10A and 10B were heard together.

APPEAL NO. 90-071

(10A) JANE HARADER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUREAU OF BUILDING INSPECTION DISAPPROVAL
CITY PLANNING APPROVAL

[Denial on April 10, 1990,
[permit to Erect a Sign at
[at 127 Geary Street.
[APPLICATION NO. 9001894
[FOR HEARING TODAY.

APPEAL NO. 90-072

(10B) JANE HARADER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
BUREAU OF BUILDING INSPECTION DISAPPROVAL
CITY PLANNING APPROVAL

[Denial on April 10, 1990,
[permit to Erect a Sign at
[at 125 Geary Street.
[APPLICATION NO. 9001895
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **OVERRULE** the department on **CONDITION** that the appellant work with the Bureau of Building Inspection to provide mitigation.

SPEAKERS: Jane Harader, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Charles Kinney, for the appellant.

(11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Charles Huff, Robert Passmore and Judith Boyajian, Deputy City Attorney.

APPEAL NO. 90-068

(12) 43RD AVENUE NEIGHBORS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [April 10, 1990, to Henry [Dea, permit to Alter a [Building at 555 - 43rd Ave. [APPLICATION NO. 8904779S. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (Vice President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department with conditions. Four votes being necessary to overrule the department, the department is **UPHELD** and the permit is **GRANTED**.

SPEAKERS: Susan Clarke, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Henry Dea, permit holder; Charles Huff, Weslyn Sansburn, Hayford Peirce, Alice Kennelly, Edward Vilhauer, Laurence Spillane and Janice Higashi, in opposition to the project.

There being no further business, President Makras adjourned the meeting at 9:11 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 16, 1990
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator and Barry Pearl, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Kate Hermann, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING:

ITEM A: Letter from John J. Brosnahan, Esq. on behalf of Joan M. Crowley, appellant requesting rehearing of Appeal No. 90-062. Hearing April 25, 1990. After discussion, upon motion by Vice President Marks, the Board voted 5-0 to UPHOLD the permit on CONDITION that the plans be revised to delete the penthouse entirely and to relocate the mechanical equipment on the third floor and to lower the parapet to a maximum height of three feet, six inches and to cover the roof stairs with a roof hatch.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner Marks dissented) to GRANT REHEARING and schedule it for the meeting of **June 6, 1990.**

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Ralph House, Laurence Kornfield, Paul Melbostad.

APPEAL NO. 90-046

(3) EILEEN WEGLARZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on January
[19, 1990, to Tudor Hill Partner-
[ship, permit to Demolish a Build-
[ing at 1111 Green Street.
[APPLICATION NO. 8920281.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **UPHOLD** the department and to **GRANT** the permit with the following conditions: (1) 1111 and 1113 Green Street units remain one unit each. (2) Ms. Weglarz be granted relocation expenses in accordance with Rent Control law. (3) Actual demolition shall be stayed and the subject cottage shall be allowed to remain until the issuance of a Certificate of Final Completion and Permit of Occupancy have been issued for the renovated apartment house on the same lot. (4) Final plans for the renovation of the apartment house on the same lot shall be reviewed by the staff of Department of City Planning and must be in conformity with the revised plans submitted by the permit holder's architect to the Board dated May 10, 1990. (5) The apartment house shall be limited as follows to the number of units on each floor: one on third floor, four on second floor, four on second floor and two on two levels of basement. (6) The two townhouse units shall be clearly designated so that they will not be convertible to illegal additional units; there shall be no independent access allowed for the lower rooms nor wet bars or other features easily used for the creation of illegal units. (7) The permit holder shall record on the land records of the City and County of San Francisco a Notice of Special Restrictions as approved by the Executive Director, which shall include these conditions and after recordation, copies of the Notice shall be submitted to the Department of City Planning and to the Board of Permit Appeals.

SPEAKERS: David Cincotta, attorney for permit holder; Barry Pearl, Planner and Robert Passmore, Zoning Administrator for the Department of City Planning; George Hoffberg, permit holder; Eileen Weglarz, appellant; F. Joseph Butler of Russian Hill Neighbors.

APPEAL NO. 90-074

(4) ROBERT A. JOHNSON, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on April 10, 1990,
[of Driver Public Vehicle permit
[dba "City Cab Company".
[FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **June 6, 1990** at request of respondent (Officer Leanna Dawydiak).

APPEAL NO. 90-077

(5) KERRY L. BOSTROM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[April 30, 1990, for work done
[at 2547 - 22nd Avenue.
[APPLICATION NO. 9007619.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $113.10 for a total of $226.20.

SPEAKERS: Kerry Bostrom, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-080

(6) DAVID M. GOLDEEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[May 3, 1990, for work done
[at 130 Ulloa Street.
[APPLICATION NO. 8900801.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by Vice President Marks, the Board voted 1-4 to uphold the department (President Makras, Commissioners House, Melbostad and Prior dissented). Then on motion by President Makras, the Board voted 4-1 (Vice President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $93.60 for a total of $187.20.

SPEAKERS: David Goldeen, appellant; Sanford Goldeen, appellant's son; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-081

(7) ALLISON HEISTERMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[May 3, 1990, for work done
[at 4035 - 18th Street.
[APPLICATION NO. 9005863.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $87.75 for a total of $175.50.

SPEAKER: David Bailey for appellant.

The Board recessed from 7:10 to 7:21 p.m.

APPEAL NO. 90-075

(8) DAVID BONDS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on April 12,
[1990, to Mrs. & Mrs. Pat
[Robertson, permit to Alter a
[Building at 126 Beaver Street.
[APPLICATION NO. 8905812.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **UPHOLD** the department and to **GRANT** the permit.

SPEAKERS: David Bonds, appellant; Albert Gee and Bruce Traficante, in opposition to the project; Pat Robertson, permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; Steve Gray and Phillip Gietzen, architects for permit holder.

APPEAL NO. 90-078

(9) JOHN CATENA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on April 17,
[1990, to John L. Randle, permit
[to Alter a Building at
[3125 Steiner Street.
[APPLICATION NO. 9000167S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the departmentand to **GRANT** the permit.

SPEAKERS: John Catena, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; John Randle, permit holder; Al Manssucco in favor of the project.

APPEAL NO. 90-079

(10) FRANCIS LEWIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on April 18,
[1990, to Patrick Fealy, permit
[to Demolish a Building at
[2010 Judah Street.
[APPLICATION NO. 8909455.
[FOR HEARING TODAY.

ACTION: After discussion, the Board **CONTINUED** their consideration to the meeting of **May 30, 1990** to allow for the appellant to consult with the Mayor's Office of Child Care.

SPEAKERS: Francis Lewis, appellant; Joe O'Donoghue, for permit holder; Donna Guyot, Phillip Pearson, Barbara Cowell, in opposition to the project; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for the Department of City Planning.

11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:30 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 30, 1990
4:30 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Nancy Gin, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Kate Hermann, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) The presentation by Amit K. Ghosh, Ph.D., Chief of Comprehensive Planning from Department of City Planning on Residential Conservation Zoning Study and proposed new standards was rescheduled for **June 6, 1990** at 4:30 p.m.

The regular calendar began at 5:00 p.m.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Laurence M. Kornfield, Chief Building Inspector for Bureau of Building Inspection requesting rehearing of of Appeals No. 90-071 and 90-072. Hearing May 9, 1990. After discussion, upon motion by President Makras, the Board voted 5-0 to **OVERRULE** the department and to **GRANT** the permits on **CONDITION** that the appellant work with the Bureau of Building Inspection to provide mitigation.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted voted 3-2 (Commissioners House and Prior dissented) to **DENY** the request for rehearing.

(3) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Laurence Kornfield, Chief Building Inspector, reported to the Board on the history of permit penalty legislation as requested by Commissioner House at the last meeting.

APPEAL NO. 90-082

(4) NOEL SPANIER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund
[of Penalty imposed on
[May 4, 1990, for work
[done at 251 South Van Ness.
[APPLICATION NO. 9007814.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion to **UPHOLD** by Vice President Marks, the Board voted 1-4 (President Makras, Commissioners House, Melbostad and Prior dissented). Then on motion by Commissioner House, the Board voted 4-1 (Vice President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $579.80 for a total of $1,159.60.

SPEAKERS: Noel Spanier, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-083

(5) THOMAS M. SESTAK, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[May 3, 1990, for work done
[done at 72 Fair Oaks Street.
[APPLICATION NO. 9005079
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $54.00 for a total of $108.00.

SPEAKERS: Thomas M. Sestak, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-086

(6) RICHARD J. WALL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund
[of Penalty imposed on
[May 8, 1990, for work
[done at 3979 - 17th St.
[APPLICATION NO. 8910973
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and to **SUSTAIN** the penalty.

SPEAKERS: Richard J. Wall, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-090

(7) FELIX DECOURT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on May 8,
[1990, for work done at
[1065 Hampshire Street.
[APPLICATION NO. 9004949
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted to **OVERRULE** the department on the **CONDITION** that the penalty be reduced to two times the regular fee of $189.15 for a total of $378.30.

SPEAKERS: Felix DeCourt, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-084

(8) CURRIE'S AUTOMOTIVE, Appellant
vs.
HEALTH DEPARTMENT, Respondent
FIRE DEPARTMENT DISAPPROVAL

[Denial on April 26, 1990,
[of retail food permit at
[2465 Van Ness Avenue.
[FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **August 1, 1990** at request of appellant (Harvey Stein, Esq.).

The Board recessed from 6:45 p.m. to 7:00 p.m.

APPEAL NO. 90-089

(9) WILSON & SANDRA POON, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on April 24, 1990,
[of permit to Alter a Building
[at 591 - 7th Avenue.
[APPLICATION NO. 8804323
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (President Makras dissented) to **UPHOLD** the decision of Department of City Planning and to **DISAPPROVE** the permit.

SPEAKERS: Sandra Poon, appellant; Nancy Gin, Planner for the Department of City Planning and Donald Woo, appellant's cousin.

APPEAL NO. 90-076

(10) CORY E. McCABE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on April 18, [1990, to Eileen Savitsky, permit [to Erect a Structure at [2550 Greenwich Street. [APPLICATION NO. 8716185. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the departments and to **GRANT** the permit.

SPEAKERS: Cory E. McCabe, appellant; Richard Crandall, architect for appellant; Nancy Gin, Planner for Department of City Planning; Philip C. Smith, Lydia Floyd, Harry Bowman, Clara Bowman, in opposition to the project and Eileen Savitsky, permit holder.

APPEAL NO. 90-087

(11) ETHAN GORDON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 1, [1990, to John and Tracy Diaz, [permit to Alter a Building at [731 Carolina Street. [APPLICATION NO. 8909497. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the departments and to **GRANT** the permit on **CONDITION** that the addition to the house be built with support independent of the retaining wall as recommended by permit holders' engineer.

SPEAKERS: Ethan Gordon, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; John and Tracy Diaz, permit holders and Joe Born, engineer for permit holders.

APPEAL NO. 90-088

(12) VICTOR D. BEARD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on April 26, [1990, to Seto Family Trust, [permit to Alter a Building at [432 - 40th Avenue. [APPLICATION NO. 8908703 [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **UPHOLD** the department and to **GRANT** the permit.

SPEAKERS: Victor D. Beard, appellant; Nancy Gin, Planner for Department of City Planning; Ira Kurlander, architect for permit holder; Dorothy Bobbitt and Rustom Dubash, in opposition to the project.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Dorothy Bobbitt.

There being no further business, President Makras adjourned the meeting at 9:02 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 6, 1990
4:30 P.M., ROOM 282, CITY HALL

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Nancy Gin, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) Presentation by Amit K. Ghosh, Ph.D., Chief of Comprehensive Planning from Department of City Planning on Residential Conservation Zoning Study and proposed new standards.

The regular calendar began at 5:00 p.m.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Robert Hayn requesting the Board to take jurisdiction over permit issued for expansion of the residence at 142 Acadia Street. Application No. 8717282.

Permit issued	June 28, 1989
Appeal period ended	July 13, 1989
Request for jurisdiction	May 11, 1990

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (President Makras dissented) to **GRANT** jurisdiction. Mr. Hayn has 15 days to file an appeal.

(3) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Joe O'Donoghue, Residential Builders Association.

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APPEAL NO. 90-079

(4) FRANCIS LEWIS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on April 18, [1990, to Patrick Fealy, permit [to Demolish a Building at [2010 Judah Street. [APPLICATION NO. 8909455. [FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit on **CONDITION** that demolition be stayed 90 days.

SPEAKERS: Francis Lewis, appellant; Joe O'Donoghue, for permit holder and Barbara Cowell, in opposition to the project.

APPEAL NO. 90-062

(5) RUSSIAN HILL NEIGHBORS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [March 20, 1990, to Joan [Crowley, permit to Alter [a Building at [1164 - 66 Filbert Street. [APPLICATION NO. 8915654 [FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 3-2 (President Makras and Commissioner Prior dissented) to uphold the permit on condition that the plans be revised to delete the penthouse entirely and to relocate the mechanical equipment on the third floor and to lower the parapet to a maximum height of three feet, six inches and to cover the roof stairs with a roof hatch. Four votes being necessary to overrule, the department is **UPHELD** and the permit is **GRANTED** with **NO CONDITIONS** except those already imposed by the Planning Commission.

SPEAKERS: Art Zief, Richard Kofler, Joe Butler, appellants; Joe Keene, Esq. for permit holder; Elliot Freed and Rosemary Kofler, neighbors opposing project. Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-074

(6) ROBERT A. JOHNSON, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Revocation on April 10, 1990, [of Driver Public Vehicle permit [dba "City Cab Company". [FOR HEARING TODAY.

ACTION: Administratively withdrawn prior to hearing.

APPEAL NO. 90-091

(7) RONALD E. HOTHEM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on May 10,
[1990, for work done at
[201 Hoffman Avenue.
[APPLICATION NO. 8917163.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion of President Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty. The appellant was not present.

SPEAKERS: None.

The Board recessed from 6:36 to 6:53 p.m.

APPEAL NO. 90-092

(8) CHI-NENG LAN & MAI-TZU LIN LAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on May 7,
[1990, for work done at
[2451 - 35th Avenue.
[APPLICATION NO. 8903114.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion of Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $81.90 for a total of $163.80.

SPEAKERS: Chi-Neng Lan, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-095

(9) GUILLERMO CUADRA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on May 21,
[1990, for work done at
[1150 Alemany Blvd.
[APPLICATION NO. 8809863.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion of Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Guillermo Cuadra, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-097

(10) STEVE PETERSON/AD ART INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on May 10, 1990, of
[permit to Alter a Building at
[2529 Van Ness Avenue (Awning).
[APPLICATION NO. 9002082.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion of Vice President Marks, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit.

SPEAKERS: George Britt and Lois Behnke for appellant; Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-093

(11) CAROL GORDON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[April 30, 1990, to Meiyan
[Enterprises, Inc. permit
[to Erect a Structure at
[156 Ellis Street.
[APPLICATION NO. 8923447S.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion of President Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit with the following **CONDITIONS:**

1. Construction will only occur between 8:00 a.m. and 5:00 p.m. Monday through Friday, with set-up one hour before.

2. Noise levels limited to levels allowed by City ordinance.

3. There will be no staging of equipment and material on Ellis Street, including the area in front of Maria Manor.

4. Minimizing of dust by watering down site as needed during minimal excavation phase. On-going effort to clean miscellaneous debris during balance of construction. Window cleaning at Maria Manor shall be provided in accordance with easement on the eastern side after completion of earth movement and substantial completion of the proposed building.

5. Placement of equipment generating fumes away from Maria Manor where feasible.

6. Maintain existing fire escape across subject site during construction, or replacement with approved alternate means as temporarily required by construction process until final exit stair is completed. Approval by S.F. Fire Department being required.

7. The Contractor will provide a full-time superintendent on the job site during construction, who will maintain contact with a duly-appointed representative of Maria Manor Tenants Association. The two parties shall meet prior to start-up of construction. Additionally, photo documentation of the site at start-up shall be provided by the Contractor and coordinated with the Maria Manor Tenants Association representative. Progressive photos shall be made available for review.

8. These individuals will represent the following parties:

a. Maria Manor Tenants Association - Carol Gordon
b. Meiyan Enterprises - Martin H. Orlick, Esq.
c. Silver & Ziskind - Sudhish Mohindroo
d. Department of Public Works - Chief Building Inspector

SPEAKERS: Carol Gordon, appellant; Lois Smith in opposition to the project; Sudhish Mohindroo, architect and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-094

(12) HAWK N. LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on [April 30, 1990, to Tommy [Conner and Carrie Messina, [permit to Alter a Building [at 142 Chilton Avenue. [APPLICATION NO. 9002740 [FOR HEARING TODAY.

ACTION: After discussion, upon motion of President Makras, the Board voted 5-0 **UPHOLD** the department and **GRANT** the permit. Appellant did not appear.

SPEAKERS: None.

APPEAL NO. 90-096

(13) SVEND RUPERT PETERSEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 4, [1990, to Guillermo L. Amigo, [permit to Alter a Building [at 249 Winding Way. [APPLICATION NO. 8904132 [FOR HEARING TODAY.

ACTION: After discussion, upon motion of Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Svend Rupert Petersen, appellant; Guillermo Cuadra, permit holder and Donald Desy, in favor of the project.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: None.

There being no further business, President Makras adjourned the meeting at 8:18 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

[SF]

MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 20, 1990
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

Letter from Patrick J. Stack, owner of 1439 Baker Street, requesting the Board to take jurisdiction over denial on May 23, 1990, of rear yard and usable open space variances by Department of City Planning.

Decision released	May 23, 1990
Appeal period ended	June 4, 1990
Request for jurisdiction	June 12, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Vice President Marks dissented) to **GRANT** jurisdiction. Mr. Stack has 15 days to file an appeal.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-042

(3) SAM RESELBACH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund
[of Penalty imposed on
[March 5, 1990, for work
[done at 900 Rivera St.
[APPLICATION NO. 8924410.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated June 19, 1990, from Carole M. Scagnetti, attorney for appellant.

APPEAL NO. 90-099

(4) REAMONA KOURY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on May 21,
[1990, for work done at
[2998 Mission Street.
[APPLICATION NO. 9007888.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $500.00 including the regular fee of $38.68.

SPEAKERS: Reamona Koury, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 5:35 to 5:45 p.m.

APPEAL NO. 90-098

(5) ROSA RUIZ, MARIA ONTIVEROS, ZENAIDA SANCHEZ, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 7,
[1990, to Remberto Sainez,
[permit to Alter a Building at
[979 - 979A Alabama Street.
[APPLICATION NO. 8914338.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 2-3 (Vice President Marks, Commissioners House and Melbostad dissented) to uphold the department. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **GRANTED**.

SPEAKERS: Timothy Lee, attorney for appellants; Jose Alvarez, attorney for permit holders; Robert Passmore, Zoning Administrator for Department of City Planning; Enrique Rodriguez and Christina Cano in favor of the project; Lourdes Sainez, permit holder; Maria Ontiveros, appellant; and Leonor Solorzano, interpreter for Maria Ontiveros.

APPEAL NO. 90-100

(6) BETTY BURTON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 9,
[1990, to Wan Yee Francis,
[permit to Alter a Building at
[2645 Hyde Street.
[APPLICATION NO. 9006842.
[FOR HEARING TODAY.

ACTION: After discussion upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and to **GRANT** the permit.

SPEAKERS: Betty Burton, appellant; Peter Bothel, attorney for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Dan Phipps, architect for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; and Judith Boyajian, Deputy City Attorney.

Items 7A and 7B were heard together

APPEAL NO. 90-103

(7A) M. A. LINDQUIST COMPANY, Inc., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 11, [1990, to D. N. & E. Walter Co., [permit to Demolish a Building [at 560 Mission Street. [APPLICATION NO. 9005201. [FOR HEARING TODAY.

APPEAL NO. 90-104

(7B) TSI WANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 11, [1990, to D. N. & E. Walter Co., [permit to Demolish a Building [at 560 Mission Street. [APPLICATION NO. 9005201. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the departments and to **GRANT** the permit.

SPEAKERS: David A. Stein, attorney for M. A. Lindquist Company; William K. Coblentz and Virginia Crisp, attorneys for D. N. & E. Walter & Company; Stephen Eckstrom, subcontractor for California Drywall; Denney Harris, subcontractor for Conklin Brothers; Tsi Wang, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

(8) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:38 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JUNE 27, 1990
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator and Barry Pearl, Planner for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Peter N. Kaiser, requesting the Board take jurisdiction over denial on May 31, 1990, by Department of City Planning, of rear yard variance sought for 4131 - 19th Street.

Decision released	May 31, 1990
Appeal period ended	June 11, 1990
Request for jurisdiction	June 14, 1990

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **GRANT** jurisdiction. Mr. Kaiser has 15 days to file an appeal.

ITEM B: Letters from Gisela M. Gustorf, Raymond L. Vela and Carol S. Johnson, requesting the Board take jurisdiction over permit isssued to Gerald Schmidt for a vertical addition of the residence at 424 Lansdale Avenue. Application No. 9005591S.

Permit issued	May 29, 1990
Appeal period ended	June 13, 1990
Request for jurisdiction	June 14, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (President Makras dissented) to **GRANT** jurisdiction. The requestors have 15 days to file an appeal. Commissioner Prior requested staff to schedule the hearing as soon as possible to minimize the delay caused by the permit holder.

RESPONDING TO QUESTIONS BY THE BOARD: Carol Johnson, Gizela Gustorf and Gerald Schmidt.

REQUEST FOR REHEARING:

ITEM C: Letter from Ronald E. Hothem, appellant, requesting rehearing of Appeal No. 90-091. Hearing June 6, 1990. After discussion, upon motion of President Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty. The appellant was not present.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **REHEAR** the appeal on August 1, 1990.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-107

(3) GEORGE BANKOVICH, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

[Denial on May 17, 1990, of
[Billard Parlor permit dba
["Reflections" at 1160 Polk St.
[FOR HEARING TODAY.

ACTION: Commissioner Melbostad asked to be excused from consideration for the reason that his firm represents the appellant. Upon motion by Commissioner House, the Board voted 5-0 to excuse Commissioner Melbostad who left the dais during consideration of Item 3.

After discussion, President Makras **CONTINUED** this appeal to the **CALL OF THE CHAIR** to allow the appellant to seek conditional use authorization from the Planning Commission for the pool table.

SPEAKERS: George Bankovich; Officer Leanna Dawydiak for the S.F.P.D.; Gerald Green, Planner and Robert Passmore, Zoning Administrator for Department of City Planning; and Judith Boyajian, Deputy City Attorney; and Officer Barbara Campagnola for the Permit Division of the S.F.P.D.

APPEAL NO. 90-108

(4) BLACKSTONE COURT ASSOCIATION, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting reissuance on
[May 18, 1990, to George
[Bovone and Al Giannini,
[permit to Erect a Structure
[at 1555 Lombard Street.
[APPLICATION NO. 8800816
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (Vice President Marks and Commissioner Melbostad dissented) to **UPHOLD** the departments and to **GRANT** the permit.

SPEAKERS: Jane Howell for Blackstone Court Association; Robert Passmore for Planning Department; Alice Barkley, Esq. for permit holders; Al Giannini, permit holder; members of the Landmarks Preservation Advisory Board opposing project: Michael Crowe, Enid Lim, Jean Kortum, president; Bob David, president Golden Gate Valley Neighbors Association, Henry Steinberg, opposed; Joe O'Donoghue, in support.

APPEAL NO. 90-085

(5) WING WAH JANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[May 7, 1990, for work done
[at 917 Cole Street.
[APPLICATION NO. 9006447
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **OVERRULE** the department and to reduce the penalty to $500.00 plus the regular fee of $29.91.

SPEAKERS: Blossom Jang and Wing Wah Jang; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-007

(6) MR. & MRS. EMIL SKANDARIAN,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 29, 1989, to Jay and
[Ellie Shukert, permit to Alter
[a Building at 60 San Felipe Ave.
[APPLICATION NO. 8907647.
[FOR HEARING TODAY.

ACTION: Prior to hearing the appeal was **CONTINUED** to **August 1, 1990** at the request of Christine Tour-Sarkissian, Esq. with the agreement of Jay Shukert, permit holder.

The Board recessed from 7:03 p.m. to 7:16 p.m.

APPEAL NO. 90-105

(7) R. H. GOLDSTEIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 16, 1990, to Pedro Rivera,
[permit to Alter a Building at
[1355 Minna Street.
[APPLICATION NO. 9006954.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the departments and to **GRANT** the permit.

SPEAKERS: R. H. Goldstein; Joseph Bravo, Esq. for permit holder; Pedro Rivera, permit holder; John Edmundson, former owner, for permit holder; and Robert Passmore for Planning Department.

Commissioner House left the meeting at 7:53 p.m. at the conclusion of Item 7.

APPEAL NO. 90-106

(8) RODNEY J. SHAPIRO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[May 16, 1990, to David Woodward
[permit to Alter a Building at
[115 - 10th Avenue.
[APPLICATION NO. 9003222
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-0 to **UPHOLD** the departments and to **GRANT** the permit.

SPEAKERS: Holger Melendez, architect for the appellants; Suzanne Greischel, architect and Meriel Lindley, Esq. for the permit holder.

(9) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:18 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 11, 1990
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Timothy J. Lee, Esq., on behalf of Maria Ontiveros, Zenaida Sanchez and Rosa Ruiz, appellants and tenants at 979A Alabama Street requesting rehearing of Appeal No. 90-098. Hearing June 20, 1990. After discussion, upon motion of President Makras, the Board voted 2-3 (Vice President Marks and Commissioners House and Melbostad dissented) to **UPHOLD** the departments and to **GRANT** the permit to convert the building to one-family use. Four votes being necessary to overrule, the permit is upheld.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Makras and Commissioner Prior dissented) to grant the request. Four votes being necessary to grant a rehearing, the request is **DENIED.**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM B: Letter from Daniel Wah, owner of 2266 - 15th Avenue requesting that the Board take jurisdiction over the denial of his application to remove sidewalk tree, and other material from the sidewalk and denial of a public hearing before the Director of Public Works, on March 23, 1990.

Denial of application	March 23, 1990
Appeal period ended	April 9, 1990
Request for jurisdiction	June 27, 1990

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **GRANT** the request for **JURISDICTION.** Mr. Wah will have fifteen days to file an appeal.

ITEM C: Letter from Siriyarn Chaiwatt of 1850 - 17th Avenue requesting that the Board take jurisdiction over Building Permit Application No. 8910623 issued on January 16, 1990. A penalty was imposed on him for work done without permit.

Permit issued	January 16, 1990
Appeal period ended	January 31, 1990
Request for jurisdiction	July 3, 1990

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **GRANT** the request for **JURISDICTION**. Mr. Chaiwatt will have fifteen days to file an appeal.

ADOPTION OF FINDINGS (PUBLIC HEARING CLOSED):

ITEM D: Appeal No. 90-108. Hearing June 27, 1990. After discussion, upon motion by Commissioner House, the Board voted 3-2 to **UPHOLD** the departments and to **GRANT** the permit for a one-family house at 1555 Lombard Street in the Blackstone Court Historic District. Vice President Marks and Commissioner Melbostad dissented.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (President Makras dissented) to **CONTINUE** for **ONE WEEK** its consideration of these findings.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-112

(3) DENNIS RING, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent
CITY PLANNING DISAPPROVAL

[Denial on May 22, 1990, of
[Place of Entertainment permit
[dba "Julie's Supper Club" at
[1123 - 27 Folsom Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the Zoning Administrator's interpretation of Section 102.17 of the Planning Code and the Department of City Planning's denial of a Place of Entertainment Permit to allow a non-amplified piano in Julie's Supper Club. The effect of this decision is that the Planning Department's disapproval or the referral by the Police Department is overruled and this matter shall be taken up by the Police which will hold a Chief's hearing on the application.

SPEAKERS: Dennis Ring; Robert Passmore for the Planning Department; Officer Leanna Dawydiak, Esq., Officer J. Philip McGee, and Sergeant Steve Tacchini of the S.F.P.D.

APPEAL NO. 90-111

(4) CHRISTEN J. WEGENER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 4, 1990, for work done
[at 725 Treat Avenue.
[APPLICATION NO. 9002778
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee or $150.16.

SPEAKERS: Christen Wegener and Gary O'Reilly, Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-110

(5) ROBERT M. TIBBITS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing conditions of
[approval requiring full
[fireproofing and sprinkling
[of entire building by Bureau
[of Building Inspection for
[alterations at 386 Chestnut St.
[APPLICATION NO. 9000504.
[FOR HEARING TODAY.

ACTION: **CONTINUED TO CALL OF THE CHAIR** on request by Jack Wholey, attorney for appellant, prior to hearing. Appellant to seek a variance through the Superintendent of Building Inspection and the Board of Examiners.

The Board recessed from 6:30 p.m. to 6:44 p.m.

APPEAL NO. 90-115

(6) CHARLES & LESLIE FETTERMAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 11, 1990, of
[permit to Demolish a Building
[at 205 Shipley Street.
[APPLICATION NO. 8923752.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner Melbostad dissented) to **OVERRULE** the departments and to **GRANT** the demolition permit.

SPEAKERS: Ann Desmond representing the appellants and Charles Fetterman; Gary O'Reilly for the Bureau of Building Inspection and Robert Passmore for the Planning Department.

APPEAL NO. 90-116

(7) DAVID AU, Appellant
vs.
HEALTH DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 4, 1990,
[of permit for a Coin Laundry
[at 1459 Baker Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 to **UPHOLD** the departments and to **DENY** the permit for coin laundry.

SPEAKERS: Felicia Marran, translator for the appellant; Albert Chinn for the Department of Public Health; Robert Passmore for the Planning Department and Gail Gifford in support of the Planning Department.

APPEAL NO. 90-113

(8) ACADIA STREET NEIGHBORS,
Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 28,
[1989, to Richard Gossen, permit
[to Erect a Structure at
[142 Acadia Street.
[APPLICATION NO. 8717282.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 3-2 (President Makras and Commissioner Prior dissented) to **CONTINUE ONE WEEK**. President Makras announced that the public hearing was now closed and that the parties could submit written materials on Monday, July 16, 1990 to the Board, each other and to Judith Boyajian, Deputy City Attorney.

SPEAKERS: Saul Sera, Esq. for the appellants; Robert Passmore for Planning Department; Alice Barkley, Esq. for permit holder; neighbors opposing project: Steven Falk, Alice Ginn; Suzy Bates; Bernard Martin, Mike Lasa, Susan Fandel, Joanne Spring, Steven Skinner, Edith McMillan; and Richard Gossen, permit holder.

(9) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan and Joe O'Donoghue. Commissioner Prior requested a presentation at a future meeting by someone on landmarks policy from the Landmarks Board.

There being no further business, President Makras adjourned the meeting at 9:07 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JULY 18, 1990

5:00 P.M., ROOM 282, CITY HALL

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PUBLIC LIBRARY

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Paul Melbostad and Beverly Prior.

Barry Pearl, Planner for Department of City Planning; Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Ralph House.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Rodney and Jacqueline Shapiro requesting rehearing of Appeal No. 90-106. Hearing June 27, 1990. After discussion, upon motion by Commissioner Prior, the Board voted 4-0 (Commissioner House absent) to **UPHOLD** the departments and to **GRANT** the permit.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to **DENY** the request for rehearing.

ADOPTION OF FINDINGS:

ITEM B: Appeal No. 90-108. Hearing June 27, 1990. After discussion, upon motion by Commissioner House, the Board voted 3-2 (Vice President Marks and Commissioner Melbostad dissented) to **UPHOLD** the departments and to **GRANT** the permit for a one-family house at 1555 Lombard Street in the Blackstone Court Historic District. Consideration continued from meeting of July 11, 1990.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-0 to **ADOPT** Findings as amended.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Edith McMillan

APPEAL NO. 90-113

(3) ACADIA STREET NEIGHBORS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 28, [1989, to Richard Gossen, [permit to Erect a Structure [at 142 Acadia Street. [APPLICATION NO. 8717282. [FOR FURTHER CONSIDERATION TODAY. [PUBLIC HEARING CLOSED ON [JULY 11, 1990.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-0 **UPHOLD** the departments and **GRANT** the permit with the following **CONDITIONS**:

1. Wet bar to be deleted from basement room.

2. The door to the basement mechanical area shall be changed to a door clearly for non-pedestrian use.

3. The parapet shall be lowered so as to be in compliance with the original plans.

4. The bay window facing north shall be changed in terms of shape so that it complies with the originally approved plans, as set forth in the Zoning Administrator's letter dated June 12, 1990.

SPEAKERS: None.

APPEAL NO. 90-101

(4) RAMA ANANDA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent
ISCOTT DISAPPROVAL

[Denial on May 9, 1990, [of Pedicab Owner permit for [additional route in Chinatown. [FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **September 12, 1990** at request of respondent (Officer Leanna Dawydiak) with agreement of appellant (Christopher C. Hall, Esq.).

APPEAL NO. 90-102

(5) MISSION ECONOMIC DEVELOPMENT ASSOCIATION, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Protesting issuance on May 17, [1990, to Victoria Kantarzhi, [Second Hand Dealer/Second Hand [Dealer-State/Pawnbroker permits [dba "A to Z Pawnbroker" at [2054 Mission Street. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 3-1 (Commissioner Melbostad dissented) to deny the permit. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **GRANTED**.

SPEAKERS: Roberto Barrigan, appellant; Officer Leanna Dawydiak, Officer Frank Palma, Sergeant Stephen Tacchini, S.F.P.D.; Victoria Kantarzhi, permit applicant; Hilda and Marvin Bernstein, Mary Harden, Barbara Boch, John Barbey, Salvador Milan, Vivien Azadian, Peggy Elberling, David Helder, Rose Chuchwar in opposition.

APPEAL NO. 90-118

(6) MARK HOUSE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on June 15,
[1990, for work done at
[2834-36-38 Buchanan Street.
[APPLICATION NO. 8913761.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 2-2 (Commissioners Melbostad and Prior dissented) to overrule the department and to reduce the penalty to $1,075.00 plus the regular fee of $151.13. Then on motion by Commissioner Melbostad, the Board voted 2-2 (President Makras and Vice President Marks dissented) to **UPHOLD** the departments and to **SUSTAIN** the penalty. Four votes are needed to overrule a department.

SPEAKERS: Mark House, appellant and Gary O' Reilly, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-123

(7) AMY M.H. LAO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 21, 1990, for work done
[at 111 Chester Avenue.
[APPLICATION NO. 9009978.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee or $42.26.

SPEAKERS: Amy Lao, appellant; Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-125

(8) AMAZON CONSTRUCTION COMPANY,
Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[June 21, 1990, for work done
[at 185 Banks Street.
[APPLICATION NO. 9011388.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 3-1 (Vice President Marks dissented) to overrule the department and reduce the penalty to two times the regular fee or $200.86. Four votes being necessary to overrule the department, the department is **UPHELD** and the penalty **SUSTAINED.**

SPEAKERS: Anthony Guell, appellant and Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection.

The Board recessed from 7:38 p.m. to 7:50 p.m.

APPEAL NO. 90-120

(9) JOHN CATENA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 15, 1990, of
[permit to Alter a Building
[at 3121 - 23 Steiner Street.
[APPLICATION NO. 8712791.
[FOR HEARING TODAY.

ACTION: After discussion, the Board **CONTINUED** their consideration to **August 22, 1990,** to allow for a scheduled site inspection at 3121 - 23 Steiner for 8:00 a.m. on Friday, **August 17, 1990.** All parties are invited to be present. The public hearing was closed.

SPEAKERS: Tiziana Catena, appellant's daughter; John Catena, appellant; Barry Pearl, Planner for Department of City Planning; John Randle, in opposition; Judith Boyajian, Deputy City Attorney.

APPEAL NO. 90-117

(10) HARVEY & LUCILA GOOD, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 7,
[1990, to John Wong, permit to
[Demolish a Building at
[328 - 330 Shotwell Street.
[APPLICATION NO. 9005215.
[FOR HEARING TODAY.

ACTION: After discussion, on motion by Vice President Marks, the Board voted 4-0 to **UPHOLD** the departments and to **GRANT** the permit.

SPEAKERS: Pat Miller, attorney for appellants; John Wong, permit holder; Judith Boyajian, Deputy City Attorney; Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection; Rose Reyes, in favor of the project.

APPEAL NO. 90-121

(11) MAGGIE DOW, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June 4, [1990, to Joe Jaska, permit to [Alter a Building at [1457 Quesada Avenue. [APPLICATION NO. 8920347. [FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **September 6, 1990** at the request of appellant with agreement of permit holder (Joe Jaska).

APPEAL NO. 90-122

(12) ESTHER OPPENHEIMER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APRPOVAL

[Protesting issuance on June 5, [1990, to Urban Homes, Inc., [permit to Erect a Structure at [2323 Noriega Street. [APPLICATION NO. 8902350. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-0 to **UPHOLD** the departments and **GRANT** the permit with the following **CONDITIONS:**

1. That the permit holder provide notice to the two organizations listed below and all property owners within 300 feet of the subject property of any proposed tenant for the ground level retail spaces in the approved plans for this project for in excess of 4,000 square feet. Such notice will contain the name, address, and telephone number of the proposed tenant and the size in square footage of the retail space being rented.

2. That the permit holder provide notice to Neighbors for Neighborhoods, 1823 - 34th Avenue, San Francisco, 94122 and Noriega-Lawton Merchants Association, 2400 Noriega Street, San Francisco, 94122, of any application for conditional use, modification, variance, or tenant improvement permits for the ground level retail space in this project. Such notice will clearly state the approval being sought and any modifications to the size(s) in square footage to the ground level retail space.

3. That the permit holder agrees that off-street parking in excess of Planning Code requirements be subject to permit, meter, or other payment; and control scheme be introduced for nearby on and/or off-street parking.

SPEAKERS: Esther Oppenheimer, appellant; David Pilpel, in opposition; Sam Chun, for permit holder; Eugene Winslow, Ron Tom, Evelyn Wilson, Barbara Hughes, Helen Liu, in favor; Barry Pearl, Planner for Department of City Planning.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Matt Dames and Edith McMillan.

There being no further business, President Makras adjourned the meeting at 9:45 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 1, 1990
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

ABSENT: Commissioner Paul Melbostad.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from David Au, owner of 1459 Baker Street, requesting rehearing of Appeal 90-116. Hearing July 11, 1990. After discussion, upon motion by Vice President Marks, the Board voted 4-1 (President Makras dissented) to **UPHOLD** the department and to **DENY** the permit for a coin laundry.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-0 to **GRANT REHEARING** and to schedule it for the meeting of **September 12, 1990.**

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Edith McMillan and Gary O'Reilly.

APPEAL NO. 89-255

(3) PERRY BOUSSINA, Appellant
vs.
POLICE DEPARTMENT, Respondent

[Revocation on November 14, 1989,
[of Dance Hall Keeper/Place of
[Entertainment permit at
[3231 Fillmore Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-0 to **OVERRULE** the department and **REINSTATE** the permit.

SPEAKER: Officer Leanna Dawydiak, S.F.P.D.

APPEAL NO. 90-091

(4) RONALD HOTHEM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on May 10,
[1990, for work done at
[201 Hoffman Avenue.
[APPLICATION NO. 8917163.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 2-2 (Vice President Marks and Commissioner House dissented) to **UPHOLD** the department and **SUSTAIN** the penalty. Four votes are needed to overrule a department.

SPEAKERS: Ronald Hothem and Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-126

(5) RICHARD LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 25, 1990, for work
[done at 861 Valencia Street.
[APPLICATION NO. 8913730.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Richard Lee, appellant and Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-127

(6) WILLIAM PRIEUR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 20, 1990, for work done
[at 1638 - 40 Haight Street.
[APPLICATION NO. 9000777.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $189.15 for a total of $378.30.

SPEAKERS: William Prieur, appellant and Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-129

(7) DIANE MORAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 26, 1990, for work done
[at 322 Cumberland Street.
[APPLICATION NO. 9008252.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to two times the regular fee of $24.06 for a total $48.12.

SPEAKERS: Diane Moran, appellant; Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection and Yvonne Anderson, in opposition to the penalty.

APPEAL NO. 90-130

(8) EHRHARDT GROOTHOFF, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 26, 1990, for work done
[at 814 Fell Street.
[APPLICATION NO. 9008132.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to a total of $100.00.

SPEAKERS: Ehrhardt Groothoff, appellant and Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-133

(9) HENRY D. HANSEN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 29, 1990, for work done
[at 201 - 05 Eureka Street.
[APPLICATION NO. 9005367.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-0 to OVERRULE the department with the CONDITION that the penalty be reduced to $500.00 plus the regular fee of $32.83 for a total of $532.83.

SPEAKERS: Henry Hansen, appellant and Gary O'Reilly, Senior Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-007

(10) MR. & MRS. EMIL SKANDARIAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[December 29, 1989, to Jay and
[Ellie Shukert, permit to Alter
[a Building at 60 San Felipe Ave.
[APPLICATION NO. 8907647.
[FOR HEARING TODAY.

ACTION: WITHDRAWN prior to hearing.

The Board recessed from 6:43 p.m. to 7:01 p.m.

APPEAL NO. 90-128

(11) NEIGHBORS & PROPERTY OWNERS ASSOCIATION, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting reissuance on June
[18, 1990, to Mr. & Mrs. Wallace
[Lim, permit to Erect a Structure
[at 50 Torrens Court.
[APPLICATION NO. 8609945.
[FOR HEARING TODAY.

ACTION: After discussion, the Board CONTINUED their consideration to **September 12, 1990,** to allow for a site inspection on an individual basis at 50 Torrens Court. The public hearing was closed.

SPEAKERS: Mel Mashman, David Meder and Robert Lewis, appellants; Dick Wong, architect for permit holder; Lester Wong, Victor Lock, Rick Shuman, Fay Wong, in opposition to the project and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-131

(12) ANDREW R. MOSS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 21, 1990, to Phillis
[Udovch, permit to Alter a
[Building at 502 Liberty Street.
[APPLICATION NO. 9009688.
[FOR HEARING TODAY.

ACTION: After discussion, the Board CONTINUED their consideration to **September 12, 1990,** for submission of a full set of plans from permit holder. The public hearing was closed.

SPEAKERS: Andrew Moss, appellant; Gary Alabaster, attorney for permit holder; Kevin Wallace, in opposition to the project.

APPEAL NO. 90-137

(13) ROBERT HARTMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 18, 1990, to Vibeke
[Strand and Jack Loftis,
[permit to Alter a Building
[at 546 - 29th Street.
[APPLICATION NO. 8900637.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to UPHOLD the department and GRANT the permit.

SPEAKERS: Meriel Lindley, attorney for appellant; Dan Phipps and Alan Klonsky, in favor of the project; Claire Pilcher and Al Lanier for permit holder; Robert Passmore, Zoning Administrator for Department of City Planning; Vibeke Strand, permit holder and Gail Cohen, in opposition to the project.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Claire Pilcher.

There being no further business, President Makras adjourned the meeting at 8:51 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 22, 1990
4:00 P.M., ROOM 282, CITY HALL

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Barry Pearl, Planner for Department of City Planning; Laurence Kornfield, Senior Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) Informational presentation on the landmarks process by members of the S.F. Landmarks Preservation Advisory Board.

SPEAKERS: Alice Carey, President LPAB; Bill Sugaya, Vice Presient; Jean Kortum; Michael Crowe; David Hartley; and Ina Dearman, all members of the LPAB.

Regular calendar began at 5:00 p.m.

(2) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Roberto Barragan of the Mission Economic Development Association, requesting rehearing of Appeal No. 90-102. Hearing July 18, 1990. After discussion, upon motion by Vice President Marks, the Board voted 3-1 (Commissioner Melbostad dissented and Commissioner House was absent) to deny the permit. Four votes being necessary to overrule, the department was deemed **UPHELD** and the permit was **GRANTED**.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **GRANT REHEARING** and to schedule it for the meeting of **September 26, 1990.**

ITEM B: Letter from Anthony Guell of Amazon Construction Company, requesting rehearing of Appeal No. 90-125. Hearing July 18, 1990. After discussion, upon motion by President Makras, the Board voted 3-1 (Vice President Marks dissented and Commissioner House was absent) to overrule the department and reduce the penalty to two times the regular or $200.86. Four votes being necessary to overrule the department, the department was **UPHELD** and the penalty was **SUSTAINED**.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **GRANT REHEARING** and to schedule it for the meeting of **August 29, 1990.**

ITEM C: Letter from Sue Hestor, attorney for the Blackstone Court Association, requesting rehearing of Appeal No. 90-108. Hearing June 27, 1990. After discussion, upon motion by Commissioner House (Vice President Marks and Commissioner Melbostad dissented), the Board voted 3-2, to **UPHOLD** the department and **GRANT** said permit. Upon motion by President Makras, the Board voted 4-0 (Commissioner House was absent) to **ADOPT** Findings as amended on July 18, 1990.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner Melbostad dissented) to **DENY** the request for rehearing.

ITEM D: Letter from Bonnie Feingold-Hartman, appellant, requesting rehearing of Appeal No. 90-137. Hearing August 1, 1990. After discussion, upon motion by Vice President Marks, the Board voted 4-0 (Commissioner Melbostad was absent) to **UPHOLD** the department and **GRANT** said permit.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **DENY** the request for rehearing.

(3) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-120

(4) JOHN CATENA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 15, 1990, of
[permit to Alter a Building
[at 3121 - 23 Steiner Street.
[APPLICATION NO. 8712791.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED ON
[JULY 18, 1990.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **DENY** permit to alter a building.

SPEAKER: Toziana Catena, appellant's daughter.

APPEAL NO. 90-136

(5) JANUSZ S. KORBER, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Suspension on June 19, 1990
[of Driver Public Vehicle Per-
[mit (July 6 - July 10, 1990).
[FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **September 26, 1990** by mutual agreement of both parties (Janusz Kober and Leanna Dawydiak for S.F.P.D.).

APPEAL NO. 90-142

(6) JAMAL D. & MICHELE JAWAD, Appellants
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Denial on June 19, 1990,
[of Mechanical Amusement
[Device, dba "Suprette Market"
[at 128 Eddy Street.
[FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **October 17, 1990** by mutual agreement of both parties (Jamal Jawad and Leanna Dawydiak for S.F.P.D.).

APPEAL NO. 90-135

(7) ANNIE T. CAYABYAB, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 2, 1990, for work done
[at 153 Bertita Street.
[APPLICATION NO. 9009871.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 1-4 to reduce the penalty to a total of $1,000.00 (President Makras, Commissioners House, Melbostad and Prior dissented). Then on motion by Commissioner House, the Board voted 4-1 (Vice President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $214.50 for a total of $429.00.

SPEAKERS: Annie Cayabyab, appellant and Lawrence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-109

(8) JEAN CHABAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on May 21, 1990,
[of permit to convert Hotel
[from Residential to Tourist
[Use at 684 Ellis Street.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to **October 17, 1990** at request of Joseph Bravo, attorney for appellant.

The Board recessed from 5:42 p.m. to 5:53 p.m.

APPEAL NO. 90-139

(9) D & A EDGEWOOD LTD. PARTNERSHIP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 21, 1990, of
[permit to Erect a Structure
[at 125 Edgewood Avenue.
[APPLICATION NO. 8902207.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **UPHOLD** the department and to **DISAPPROVE** the permit.

SPEAKERS: Daniel Conrad and Robin Rudderow, attorneys for appellant; Barry Pearl, Planner for Department of City Planning; Brian Doyle, attorney for the owners of 123 Edgewood Avenue.

APPEAL NO. 90-134

(10) FLORENCE MITCHELL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 15, 1990, to Gordon
[Wong, permit to Alter a
[Building at 307 Mangels Avenue.
[APPLICATION NO. 8808478.
[FOR HEARING TODAY.

ACTION: After discussion, the Board **CONTINUED** their consideration to **September 12, 1990,** to allow for a scheduled site inspection at 307 Mangels Avenue for 8:00 a.m. on Wednesday, **September 5, 1990.** All parties are invited to be present.

SPEAKERS: Florence Mitchell, appellant; Gordon Wong, permit holder; and Barry Pearl, Planner for Department of City Planning.

APPEAL NO. 90-138

(11) GUILLERMO & JOSEPHINE FONG, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June
[19, 1990, to Peter Franceschi
[and Catherine O'Shea, permit
[to Alter a Building at
[1 Brussels Street.
[APPLICATION NO. 8924586.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-0 (Commissioner Prior absent) to **UPHOLD** the department and to **GRANT** the permit.

SPEAKERS: Guillermo Fong, appellant; Larry Lee, interpreter for appellant; Catherine O'Shea, permit holder and Kevin O'Shea, her father, in favor of the project.

APPEAL NO. 90-149

(12) CAROL JOHNSON, RAYMOND VELA, GIESELA GUSTORF, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on May 29, [1990, to Susan Foe and Gerald [Schmidt, permit to Alter a [Building at 424 Lansdale Avenue. [APPLICATION NO. 9005591. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House,the Board voted 2-2 (Vice President Marks and Commissioner Melbostad dissented, Commissioner Prior absent) to **UPHOLD** the department and **GRANT** the permit. Four votes are needed to overrule a department.

SPEAKERS: Carol Johnson and Raymond Vela, appellants; Gerald Schmidt, permit holder; Bill Bondy, architect for permit holder; Barry Pearl, Planner for Department of City Planning; Robert Moser, in opposition to the project.

APPEAL NO. V90-140

(13) PATRICK J. STACK, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 23, 1990, [of Rear Yard and Usable [Open Space Variances Sought [for property located at [1439 Baker Street. [VARIANCE CASE NO. 89.554V [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-0 to **OVERRULE** the department with the **CONDITIONS** set forth in the Zoning Administrator's letter of August 10, 1990.

SPEAKERS: Wayne Boaz, in favor of the project; Barry Pearl, Planner for Department of City Planning; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. V90-141

(14) PETER N. KAISER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Denial on May 31, 1990, of [Rear Yard Variance Sought [for property located at [4131 - 19th Street. [VARIANCE CASE NO. 89.441V [FOR HEARING TODAY.

ACTION: After discussion, upon motion of Commissioner Melbostad, the Board voted 4-0 to **OVERRULE** the department with the findings that the project will result in a reduction of rear yard obstruction because the appellant is voluntarily removing a 100-square foot shed from the yard and that the five conditions to be met for the granting of a variance have been met in this case.

SPEAKERS: Peter Kaiser, appellant; Barry Pearl, Planner for Department of City Planning; David Tessler, in favor of the project.

(15) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:06 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearing may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

MINUTES OF THE
SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS
SITE INSPECTION
FRIDAY, AUGUST 17, 1990 AT 8:00 A.M.

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Barry Pearl, for Department of City Planning; John Catena, appellant; and Robert Feldman, Executive Director of Board of Permit Appeals.

APPEAL NO. 90-120

JOHN CATENA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 15, 1990, of
[permit to Alter a Building
[at 3121 - 23 Steiner Street.
[APPLICATION NO. 8712791
[SITE INSPECTION FRIDAY,
[AUGUST 17, 1990 AT 8:00 A.M.

All parties walked through basement of the building and viewed the two units and garage spaces as well as the small rear yard in which a cottage stands. Mr. Catena answered questions from the Board members about the rentals charged. The group then visited the lower of the two units above and walked through its rooms.

President Makras adjourned the site visit at 8:25 a.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, AUGUST 29, 1990

5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Nancy Gin, Planner for Department of City Planning; Rafael Torres-Gil, Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from Perry S. Acosta, owner of 53 - 59 Moss Street, requesting that the Board take jurisdiction over Building Permit Application No. 9003215.

Penalty imposed	April 19, 1990
Appeal period ended	May 4, 1990
Request for jurisdiction	August 15, 1990

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (Commissioner Melbostad dissented) to **GRANT** the request for **JURISDICTION**. Mr. Acosta will have fifteen days to file an appeal.

ITEM B: Letter from Carlos J. Morales, owner of 228 Whipple Avenue, requesting that the Board take jurisdiction over Building Permit Application No. 8902374.

Penalty imposed	June 22, 1990
Appeal period ended	July 9, 1990
Request for jurisdiction	August 22, 1990

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **GRANT** the request for **JURISDICTION**. Mr. Morales will have fifteen days to file an appeal.

ITEM C: Letter from Robert W. Gorter, M.D., requesting that the Board take jurisdiction over Variance Decision Case No. 89.535V.

Decision released	May 11, 1990
Appeal period ended	May 21, 1990
Request for jurisdiction	August 22, 1990

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **GRANT** the request for **JURISDICTION**. Dr. Gorter will have ten days to file an appeal.

ITEM D: Letter from Marshall Hornstein, contractor for 1125 Shafter Avenue, requesting that the Board take jurisdiction over Building Permit Application No. 9012440.

Penalty imposed	June 26, 1990
Appeal period ended	July 11, 1990
Request for jurisdiction	August 22, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **GRANT** the request for **JURISDICTION**. Mr. Hornstein will have fifteen days to file an appeal.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Nancy Gin, Planner for Department of City Planning, described the notification process used by the Department of City Planning in variance cases.

APPEAL NO. 90-125

(3) AMAZON CONSTRUCTION COMPANY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[June 21, 1990, for work done
[at 185 Banks Street.
[APPLICATION NO. 9011388.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (Vice President Marks dissented) to **OVERRULE** the department and reduce the penalty to two times the regular fee of $100.43 or $200.86.

SPEAKERS: Tony Guell, appellant and Rafael Torres-Gil, Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-124

(4) MAHMOOD ESFARJANY, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on June 6, 1990,
[of Driver Public Vehicle
[permit ("Luxor Cab Company").
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 3-2 (Commissioners Melbostad and Prior dissented) to **UPHOLD** the department and to **SUSTAIN** the revocation. Four votes are needed to overrule a department.

SPEAKERS: Mahmood Esfarjany, appellant; Officer Leanna Daydiak, attorney for SFPD; Gregory Apt, in opposition and Officer Bill Garcia, SFPD.

APPEAL NO. 90-150

(5) BRIAN B. CASEY, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Suspension on June 26, 1990,
[of Driver Public Vehicle
[permit ("Luxor Cab Company").
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department.

SPEAKERS: Richard Roth and David Boragno in opposition to appeal and in support of Police. Appellant did not appear.

APPEAL NO. 90-160

(6) ROBERT BATCHELOR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
REDEVELOPMENT COMMISSION APPROVAL

[Protesting issuance on July 16,
[1990, to Peter Yorke Associates,
[to Demolish a Building at
[1445 Sutter Street.
[APPLICATION NO. 9008122.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Robert Batchelor, appellant; Gene Suttle, Redevelopment Commission; Rubin Glickman, attorney for permit holder; Howard Backen, architect for permit holder; Ron Zeff, Michael Lieberman and Richard Bastoni in favor of the project; and Margaret Kitner, in opposition.

The Board recessed from 7:18 to 7:30 p.m.

APPEAL NO. 90-145

(7) JAMES H. HARTL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[July 9, 1990, for work done
[at 533-35-37 Steiner Street.
[APPLICATION NO. 9013172.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 3-2 (Commissioners House and Melbostad dissented) to **UPHOLD** the department and **SUSTAIN** the penalty. Four votes are needed to overrule a department.

SPEAKERS: James Hartl, appellant and Rafael Torres-Gil, Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-147

(8) CONRAD H. BOWMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 11, 1990, for work done
[at 2001 San Jose Avenue.
[APPLICATION NO. 9003256.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee of $24.06 or $48.12.

SPEAKERS: Conrad Bowman, appellant and Rafael Torres-Gil, Building Inspector for the Bureau of Building Inspection.

APPEAL NO. 90-148

(9) MARTA RANGEL-WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 2, 1990, for work done
[at 21 Vicksburg Street.
[APPLICATION NO. 9007368.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (President Makras dissented) to **OVERRULE** the department and reduce the penalty to two times the regular fee of $35.76 or $71.52.

SPEAKERS: Marta Rangel-Wong, appellant; Rafael Torres-Gil, Building Inspector for Bureau of Building Inspection; Nancy Gin, Planner for Department of City Planning; and Jessica Waterston, real estate agent for apellant.

APPEAL NO. 90-146

(10) WILLIAM J. HARTER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 9, 1990, of
[permit to Alter a Building
[at 508 - 510 Roosevelt Way.
[APPLICATION NO. 8905219.
[FOR HEARING TODAY.

ACTION: After discussion, the Board **CONTINUED** their consideration to the meeting of **September 12, 1990.**

SPEAKERS: William Harter, appellant; Nancy Gin, Planner for Department of City Planning; and Michael Souter, in opposition to the project.

APPEAL NO. 90-143

(11) CAROL A. HUGHES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June
[20, 1990, to Michael Boughton
[and Hal Murphy, permit to Erect
[a Structure at 830 Wisconsin St.
[APPLICATION NO. 8900312.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **October 24, 1990** at the request of parties prior to hearing.

APPEAL NO. 90-144

(12) MICHAEL T. GEISER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June
[25, 1990, to Eric Weaver,
[permit to Alter a Building
[at 2001 Wawona Street.
[APPLICATION NO. 8917117.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion of Commissioner Prior, the Board voted 3-2 (Vice President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Michael Geiser, appellant; Michael O'Brien, architect for permit holder; Eric and Celia Weaver, permit holders; Philip Michelson and Carl Wildenradt, in favor of the project; and Sylvan and Ruth Eisenberg, in opposition to the project.

(13) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 9:45 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearing may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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Special

MINUTES OF THE
SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS
SITE INSPECTION
WEDNESDAY, SEPTEMBER 5, 1990 AT 8:00 A.M.

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Gordon and Maureen Wong, permit holders; and Robert Feldman, Executive Director of Board of Permit Appeals.

APPEAL NO. 90-134

FLORENCE MITCHELL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 15, 1990, to Gordon Wong,
[permit to Alter a Building at
[at 307 Mangels Avenue.
[APPLICATION NO. 8808478.
[SITE INSPECTION WEDNESDAY,
[SEPTEMBER 5, 1990 AT 8:00 A.M.

The Commissioners and the permit holders met in the rear yard of 307 Mangels and looked at the rear yard and the plans for the extension and the deck along the rear line. The permit holders answered the Commissioners' questions about the proposed project and the rear yard. The members also walked around the corner and south approximately sixty feet along the west side of Detroit to view the downsloping rear yards of the subject property and its neighbors from the the east.

President Makras adjourned the site visit at 8:20 a.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 12, 1990
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Bob Kelley, Assistant Superintendent for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Charles J. Miller, attorney for Peter and Mary Buffett, former owners of 2032 Scott Street, requesting the Board take jurisdiction over Building Permit Application No. 8808555.

Date of order to cease violation	June 5, 1990
Appeal period ended	June 20, 1990
Request for jurisdiction	August 27, 1990

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **DENY** the request for jurisdiction.

REQUESTS FOR REHEARING:

ITEM B: Letter from Carol Johnson, requesting rehearing of Appeal 90-149. Hearing August 22, 1990. After discussion, upon motion by Commissioner House, the Board voted 2-2 (Vice President Marks and Commissioner Melbostad dissented, Commissioner Prior absent) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **DENY** the request for rehearing.

ITEM C: Letter from Michael T. Geiser, requesting rehearing of Appeal 90-144. Hearing August 22, 1990. After discussion, upon motion by Commissioner Prior, the Board voted 3-2 (Vice President Marks and Commissioner Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **DENY** the request for rehearing.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Bob Kelley, Assistant Superintendent for Bureau of Building Inspection, reported on improvements in notification of penalties to owners.

APPEAL NO. 90-146

(3) WILLIAM J. HARTER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on July 9, 1990, of
[permit to Alter a Building
[at 508 - 510 Roosevelt Way.
[APPLICATION NO. 8905219.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 to **OVERRULE** the department with the following **CONDITIONS:** (1) The attic on the new story identified as a family room shall be altered to provide additional light to the abutting lightwell on the building at 504-506 Roosevelt Way by slanting the attic space along the lightwell of 504-506 Roosevelt Way down from two feet southerly of the lightwell, lowering the top edge of the proposed structure a minimum of one foot six inches lower than the balance of top edge of the proposed structure. (2) The front horizontal railing on the roof on the addition shall be constructed in such a manner to provide the maximum spacing between the rails allowed by the Building Code.

SPEAKERS: William Harter, appellant and Michael Souter, in opposition to the project.

APPEAL NO. 90-101

(4) RAMA ANANDA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent
ISCOTT DISAPPROVAL

[Denial on May 9, 1990,
[of Pedicab Owner permit for
[additional route in Chinatown.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **November 14, 1990** at the request of parties prior to hearing.

APPEAL NO. 90-168

(5) TED LAMPROS, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Interpretation by the Zoning
[Administrator on August 3, 1990,
[that Sections 180 thru 185 of
[the Planning Code do apply
[to the nonconforming use of the
[gas station/repair shop at
[2095 - 19th Avenue.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department.

SPEAKERS: Alice Barkley, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Edith McMillan in opposition to the project; and Billie Soward, Delmar Miller, and Chris Mouroufas, in favor of the project.

APPEAL NO. 90-128

(6) NEIGHBORS & PROPERTY OWNERS ASSOCIATION, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting reissuance on June
[18, 1990, to Mr. & Mrs. Wallace
[Lim, permit to Erect a Structure
[at 50 Torrens Court.
[APPLICATION NO. 8609945.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED ON
[AUGUST 1, 1990.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **OVERRULE** the department and **DENY** the permit.

The Board recessed from 6:45 to 7:00 p.m.

APPEAL NO. 90-131

(7) ANDREW R. MOSS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 21, 1990, to Phillis
[Udovch, permit to Alter a
[Building at 502 Liberty Street.
[APPLICATION NO. 9009688.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED ON
[AUGUST 1, 1990.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department on **CONDITION** that the top level is set back three feet from the property line as to not require a fire wall.

SPEAKERS: Andrew Moss, appellant; Phillis Udovch, permit holder and Joseph Udovch, permit holder's father.

APPEAL NO. 90-134

(8) FLORENCE MITCHELL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 15, 1990, to Gordon
[Wong, permit to Alter a
[Building at 307 Mangels Avenue.
[APPLICATION NO. 8808478.
[FOR FURTHER HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit on **CONDITION** that the lower deck is levelled off by a cut and fill, and no new soil is imported.

SPEAKER: Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-116

(9) DAVID AU, Appellant
vs.
HEALTH DEPARTMENT, Respondent
CITY PLANNING DISAPPROVAL

[Denial on June 4, 1990,
[of permit for a Coin Laundry
[at 1459 Baker Street.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: William Ashley, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Al Chin, Department of Public Health; Gayle Gifford, Terry McKaffey and Hui-Bon-Hoa, in opposition to the project.

APPEAL NO. 90-152

(10) PORFIRIO MIER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 9, 1990, for work
[done at 84 Camellia Avenue.
[APPLICATION NO. 8812536.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee of $105.30 or $210.60.

SPEAKERS: Rosa Lara, interpreter for appellant and Bob Kelley, Assistant Superintendent for Bureau of Building Inspection.

APPEAL NO. 90-153

(11) EVAN P. WRIGHT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on July 23,
[1990, for work done at
[866 - 870 Haight Street.
[APPLICATION NO. 9006527.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee of $163.80 or $327.60.

SPEAKERS: Evan Wright, appellant and Bob Kelley, Assistant Superintendent for Bureau of Building Inspection.

APPEAL NO. 90-155

(12) LILA DONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 25, 1990, for work done
[at 1232-34 - 6th Avenue.
[APPLICATION NO. 8911569.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department and reduce the penalty to two times the regular fee of $19.50 or $39.00.

SPEAKERS: George Dong, permit holder's husband and Bob Kelley, Assistant Superintendent for Bureau of Building Inspection.

APPEAL NO. 90-165

(13) ANDERSON ENTERPRISES, INC.
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[August 2, 1990, for work done
[at 1525 Howard Street.
[APPLICATION NO. 9013456.
[FOR HEARING TODAY.

ACTION: **CONTINUED** at the request of appellant to **September 26, 1990** at hearing.

APPEAL NO. 90-121

(14) MAGGIE DOW, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 4, 1990, to Joe Jaksa,
[permit to Alter a Building at
[1457 Quesada Avenue.
[APPLICATION NO. 8920347.
[FOR HEARING TODAY.

ACTION: After discussion, the Board **CONTINUED** their consideration to the meeting of **September 26, 1990** for a report from Bob Kelley of the Bureau of Building Inspection to determine possible foundation damage and survey to establish property lines. The public hearing was closed.

SPEAKERS: Margaret Verges and Jimmy Smith for appellant; Kung-Ming Chiu, for permit holder; Bob Kelley, Assistant Superintendent for Bureau of Building Inspection; Robert Passmore, Zoning Administrator for Department of City Planning; Alice Broom, Vera Borges, Heide Roberts, Janice Talley, Hamilton Scott, Artis Reilly, Evelyn Rockmore, Keith Consor, and Matt Evanger, in opposition to the project.

The Board recessed from 9:20 to 9:34 p.m.

APPEAL NO. 90-154

(15) CARMEN GOLDSMITH, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 11,
[1990, to Saul and Liliana Rayo,
[permit to Alter a Building at
[259 Edinburgh Street.
[APPLICATION NO. 9006014.
[FOR HEARING TODAY.

ACTION: After discussion, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the exterior stairway be eliminated and an interior stairway be erected to integrate the lower space into the one-family house.

SPEAKERS: Carmen Goldsmith, appellant; Saul Rayo, permit holder; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-169

(16) RICHARD & ANU BULLIS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[7, 1990, to Steve & Nina Moore,
[permit to Alter a Building at
[2083 - 10th Avenue.
[APPLICATION NO. 8915923.
[FOR HEARING TODAY.

ACTION: After discussion, the Board voted 5-0 to **UPHOLD** the department and adopt findings submitted by the permit holders.

SPEAKERS: Richard Bullis, appellant; Nina Moore, permit holder; Martin Hammer, architect for permit holder; and David Donner, attorney for permit holder.

(17) **Public Comment:** Presentation shall be limited to three minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 10:37 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 26, 1990
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Justin Raimondo, requesting the Board take jurisdiction over Building Permit Application No. 8710058 for property located at 1531 Clay Street.

Date issued	March 16, 1990
Appeal period ended	April 2, 1990
Request for jurisdiction	September 12, 1990

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **DENY** the request for jurisdiction.

ITEM B: Letter from Carol J. Arri, requesting the Board take jurisdiction over Building Permit Application No. 8916770 for property located at 577 Vienna Street.

Date issued	August 20, 1990
Appeal period ended	September 4, 1990
Request for jurisdiction	September 13, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **GRANT** jurisdiction. Ms. Arri has 15 days to file an appeal.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-121

(3) MAGGIE DOW, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 4, 1990, to Joe Jaksa,
[permit to Alter a Building at
[1457 Quesada Avenue.
[APPLICATION NO. 8920347.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED ON
[SEPTEMBER 12, 1990.

ACTION: After discussion, the Board **CONTINUED** their consideration to the meeting of **October 17, 1990** for negotiations between the permit holder and the appellant. President Makras requested that Commissioner House conduct two meetings with the parties to seek a settlement of the issues.

Commissioner Prior left the meeting for the evening at 6:20 p.m.

APPEAL NO. 90-102

(4) MISSION ECONOMIC DEVELOPMENT ASSOCIATION, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Protesting issuance on May 17,
[1990, to Victoria Kantarzhi,
[Second Hand Dealer/Second Hand
[Dealer-State/Pawnbroker permits
[dba "A to Z Pawnbroker" at
[2054 Mission Street.
[FOR REHEARING TODAY.

ACTION: **CONTINUED** at the request of parties to the meeting of **October 17, 1990.** No testimony taken.

APPEAL NO. 90-136

(5) JANUSZ S. KORBER, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Suspension on June 19, 1990
[of Driver Public Vehicle Per-
[mit (July 6 - July 10, 1990).
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 3-1 (President Makras dissented) to uphold the department and delete the requirement for psychotherapy and/or counseling. Then on motion by President Makras, the Board voted 3-1 (Commissioner Melbostad dissented) to impose a 10-day suspension and delete the requirement for psychotherapy and/or counseling. Four votes being necessary to overrule, the department is deemed **UPHELD** and the suspension and other penalties are **SUSTAINED.**

SPEAKERS: Christopher Kerosky, attorney for appellant; Katarzyna Mahjoob, interpreter for appellant; Janusz Korber, appellant; Officers Leanna Dawydiak and DeTimofeev, S.F.P.D.

APPEAL NO. 90-158

(6) CHAIWATT SIRIYARN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on July 27, 1990, for
[work done at 1850 - 17th Avenue.
[APPLICATION NO. 8910623.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to **UPHOLD** the department and to **SUSTAIN** the penalty.

SPEAKERS: Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection and Charles Meehan for appellant.

APPEAL NO. 90-161

(7) RAYMOND WOO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[July 31, 1990, for work
[done at 1521 - 23 Lake Street.
[APPLICATION NO. 8910697.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to **UPHOLD** the department and to **SUSTAIN** the penalty.

SPEAKERS: Raymond Woo, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-162

(8) RICHARD FRAIGE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of
[Penalty imposed on July 20,
[1990, for work done at
[500 - 516 Hayes Street.
[APPLICATION NO. 9007921.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $579.80 for a total of $1,159.60.

SPEAKERS: David Masterson, contractor for appellant; Abe Joffe, attorney for appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-156

(9) KEPA ASKENASY & JENNIFER MORLA, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[July 11, 1990, to Judith L.
[Baer, permit to Alter a
[Building at 871 Wisconsin St.
[APPLICATION NO. 8916484.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: David Cincotta, attorney for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Mark Brand, architect for permit holder; Marjorie Little and E.L. Bell, Jr., in opposition to the project; Alan Trachtenberg, in favor of the project; Jennifer Morla, appellant; and Judith Baer, permit holder.

APPEAL NO. 90-163

(10) REJANE DROBEY, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 19,
[1990, to Duval & Wittnebel,
[permit to Alter a Building at
[1807 Scott Street.
[APPLICATION NO. 8919307.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 2-2 (President Makras and Commissioner Melbostad dissented) to deny the permit. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **GRANTED**.

SPEAKERS: Rejane Drobey, appellant; John Frankel, appellant's tenant; and Doug Wittnebel, permit holder.

APPEAL NO. 90-164

(11) LILLIAN JOHNS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 23,
[1990, to Porter E. Sprague,
[permit to Alter a Building at
[1100 Lake Merced Blvd.
[APPLICATION NO. 9009142.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-0 to **OVERRULE** the department and **DENY** the permit.

SPEAKERS: William Johns, appellant's husband; Porter Sprague, permit holder; Virginia Wales, David Whitmore, Julianne Lafayette, in opposition to the project; and Arnold Mandiberg, for permit holder.

(12) **Public Comment:** Presentation shall be limited to three minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:55 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 3, 1990
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

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(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

None.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-221

(3) NISSIM LANYADOO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
REDEVELOPMENT COMMISSION APPROVAL

[Protesting issuance on September
[7, 1990, to Peter Yorke Associates,
[permit to Erect a Building at
[1445 Sutter Street.
[APPLICATION NO. 9003653.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **October 17, 1990** at the request of parties prior to hearing.

APPEAL NO. 90-171

(4) ANTHONY DI GENOVA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on August 3, 1990, for
[for work done at 176 Page Street.
[APPLICATION NO. 8907526.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Anthony Di Genova, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-172

(5) LOUIS B. CIBOTTI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[August 15, 1990, for work done
[at 3760 - 22nd Street.
[APPLICATION NO. 9008239.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $21.13 for a total of $42.26.

SPEAKERS: Louis and Hildegard Cibotti; James Lynch in support of the penalty; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-216

(6) MARCUS KREMP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 18, 1990, for work
[done at 1002 Hyde Street.
[APPLICATION NO. 9011823.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $100.43 or $200.86.

SPEAKERS: Marcus Kremp and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-166

(7) PATRICIA B. HUGHES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 24,
[1990, to Aldo Stemberga,
[permit to Erect a Structure
[at 66 Banks Street.
[APPLICATION NO. 8602196.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 3-2 (Vice President Marks and Commissioner House dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Patricia Hughes, appellant; Ed Werner, Larry Montgomery and Terry Milne, in opposition to the project; Kung-Ming Chiu, architect for permit holder; Aldo Stemberga, permit holder; Dr. Monica Kehoe, Leo Diaz, Joseph Festinese, in favor of the project; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-159

(8) MONROE & BARBARA BAER, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on July 17, [1990, to Joseph & Pamela [Bonino, to Alter a Building at [224 Sea Cliff Avenue. [APPLICATION NO. 9012495. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 to **UPHOLD** the department and **GRANT** the permit with the following **CONDITIONS:** (1) The railing be no higher than three feet as required by the Building Code. (2) No windscreens, additional coverings, etc. and no modifications of the railing without a permit. (3) Recordation of a Notice of Special Restrictions.

SPEAKERS: Monroe Baer; Robert Passmore, Zoning Administrator for Department of City Planning; William Holmes, attorney for permit holder; Pamela Bonino, permit holder; Tom Higley, architect for permit holder; Dr. William Breall in opposition to the project.

The Board recessed from 6:40 to 7:00 p.m.

Items 9A, 9B and 9C were heard together.

APPEAL NO. 90-173

(9A) COLLEEN BENNETT-ALVERS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August [1, 1990, to Van & Mieko Obermuller, [permit to Erect a Building at [1131 Irving Street. [APPLICATION NO. 8908234. [FOR HEARING TODAY.

See Item 9C

APPEAL NO. 90-174

(9B) JOSEPH & DALE SOLARIC, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[1, 1990, to Van & Mieko Obermuller,
[permit to Erect a Building at
[1131 Irving Street.
[APPLICATION NO. 8908234.
[FOR HEARING TODAY.

See Item 9C

APPEAL NO. 90-177

(9C) MATTHEW DAMES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[1, 1990, to Van & Mieko Obermuller,
[permit to Erect a Building at
[1131 Irving Street.
[APPLICATION NO. 8908234.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 2-3 (Commissioners House, Melbostad and Prior dissented) to **UPHOLD** the department and **GRANT** the permit. Four votes are needed to overrule a department.

SPEAKERS: Colleen Bennett-Alvers, Joseph Solaric and Matthew Dames, appellants; Evelyn Dames, in opposition to the project; Robert Passmore, Zoning Administrator for Department of City Planning; and Alice Barkley, attorney for permit holders.

APPEAL NO. 90-187

(10) FRANCOISE GOSPODAROWICZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[13, 1990, to Mr. & Mrs. Kurt
[Link, permit to Alter a Building
[at 222 Maywood Drive.
[APPLICATION NO. 8916526.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Francoise Gospodarowicz, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Kurt Link, permit holder; Al Lanier, and architect for permit holder.

(11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-174

(9B) JOSEPH & DALE SOLARIC, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[1, 1990, to Van & Mieko Obermuller,
[permit to Erect a Building at
[1131 Irving Street.
[APPLICATION NO. 8908234.
[FOR HEARING TODAY.

See Item 9C

APPEAL NO. 90-177

(9C) MATTHEW DAMES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[1, 1990, to Van & Mieko Obermuller,
[permit to Erect a Building at
[1131 Irving Street.
[APPLICATION NO. 8908234.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 2-3 (Commissioners House, Melbostad and Prior dissented) to **UPHOLD** the department and **GRANT** the permit. Four votes are needed to overrule a department.

SPEAKERS: Colleen Bennett-Alvers, Joseph Solaric and Matthew Dames, appellants; Evelyn Dames, in opposition to the project; Robert Passmore, Zoning Administrator for Department of City Planning; and Alice Barkley, attorney for permit holders.

APPEAL NO. 90-187

(10) FRANCOISE GOSPODAROWICZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[13, 1990, to Mr. & Mrs. Kurt
[Link, permit to Alter a Building
[at 222 Maywood Drive.
[APPLICATION NO. 8916526.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Francoise Gospodarowicz, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Kurt Link, permit holder; Al Lanier, architect for permit holder.

(11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:55 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 17, 1990
5:00 P.M., ROOM 282, CITY HALL

OCT 24 1990
SAN FRANCISCO
PUBLIC LIBRARY

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

ADOPTION OF FINDINGS:

ITEM A: Appeal Nos. 90-173, 174, 177. Hearing October 3, 1990. After discussion, upon motion by President Makras, the Board voted 2-3 (Commissioners House, Melbostad and Prior dissented) to **UPHOLD** the department and **GRANT** the permit. Four votes are needed to overrule a department.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **ADOPT** findings as amended.

REQUESTS FOR REHEARING:

ITEM B: Letter from Porter E. Sprague, requesting rehearing of Appeal No. 90-164. Hearing September 26, 1990. After discussion, upon motion by President Makras, the Board voted 4-0 (Commissioner Prior absent) to **OVERRULE** the department and **DENY** the permit.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **DENY** the request for rehearing.

ITEM C: Letter from Francoise Gospodarowicz, requesting rehearing of Appeal No. 90-187. Hearing October 3, 1990. After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (Commissioner Melbostad dissented) to **DENY** the request for rehearing.

ITEM D: Letter from David Cincotta, attorney for appellants requesting rehearing of Appeal No. 90-156. Hearing September 26, 1990. After discussion, upon motion by Commissioner House, the Board voted 4-0 (Commissioner Prior absent) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner Prior dissented) to **DENY** the request for rehearing.

REQUESTS FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM E: Letter from the Residents/Owners of Peru Avenue, requesting the Board take jurisdiction over Building Permit Application No. 89066255 to erect a building at 842 Peru Street.

Date issued	September 4, 1990
Appeal period ended	September 19, 1990
Request for jurisdiction	October 9, 1990

ACTION: After discussion, the Board **CONTINUED** their consideration to the meeting of **October 24, 1990** for a report from Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

ITEM F: Letter from Barbara Redalia, requesting that the Board take jurisdiction over Building Permit Application No. 9003256 to erect a wire mesh fence on the roof of 2001 San Jose Avenue.

Date issued	September 21, 1990
Appeal period ended	October 9, 1990
Request for jurisdiction	October 10, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Makras and Commissioner Prior dissented) to **DENY** the request for jurisdiction.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

APPEAL NO. 90-102

(3) MISSION ECONOMIC DEVELOPMENT ASSOCIATION, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Protesting issuance on May 17, [1990, to Victoria Kantarzhi, [Second Hand Dealer/Second Hand [Dealer-State/Pawnbroker permits [dba "A to Z Pawnbroker" at [2054 Mission Street. [FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 3-2 (President Makras and Commissioner Melbostad dissented) to overrule the department and revoke the permit. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **GRANTED.**

SPEAKERS: Ricardo Noguera, MEDA; Officer Leanna Dawydiak, S.F.P.D.; Joe O'Sullivan, attorney for permit holder; Sharon Sloane-Ghaly, David Helder, Marvin Bernstein, Barbara Bock, Charlie Wilson; Vivan Azadian, Katie Murphy, Mary Harden, John Barbey, Ann Kirschner, Rose Chuchwar and Hilda Bernstein, in opposition; Lieutenant Long, S.F.P.D.; Robert Passmore, Zoning Administrator for Department of City Planning; and Victoria Kantarzhi, permit holder.

The Board recessed from 7:35 to 7:52 p.m.

APPEAL NO. 90-142

(4) JAMAL D. & MICHELE JAWAD, Appellants
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Denial on June 19, 1990,
[of Mechanical Amusement
[Device, dba "Suprette Market"
[at 128 Eddy Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (President Makras dissented) to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Jamal Jawad, appellant; Officer Leanna Dawydiak, S.F.P.D.; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-180

(5) RONALD L. FISHMAN, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Revocation on August 10,
[1990, of Driver Public Vehicle
[permit ("Yellow Cab Company").
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (President Makras dissented) to **OVERRULE** the department on **CONDITION** that the appellant be put on probation for 12 months.

SPEAKERS: Ronald Fishman, appellant; Officer Leanna Dawydiak, S.F.P.D.; Tom Genelli, Ph.D., psychologist for appellant; and Saul Fishman, appellant's father.

APPEAL NO. 90-221

(6) NISSIM LANYADOO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
REDEVELOPMENT COMMISSION APPROVAL

[Protesting issuance on September
[7, 1990, to Peter Yorke Associates,
[permit to Erect a Building at
[1445 Sutter Street.
[APPLICATION NO. 9003653.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated October 17, 1990.

APPEAL NO. 90-178

(7) PAUL E. RABIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 20, 1990, for work
[done at 71 Lopez Avenue.
[APPLICATION NO. 9005597.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (President Makras dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to ten times the regular fee of $29.91 for a total of $299.10.

SPEAKERS: Paul Rabin, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-181

(8) JUN ISHIMURO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 20, 1990, for work done
[at 531 - 33 Alvarado Street.
[APPLICATION NO. 9012033.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $62.40 for a total of $124.80.

SPEAKERS: Clara Black, appellant's wife and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-182

(9) NOE & REGINA MORAN, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 13, 1990, for work
[done at 101 Bosworth Street.
[APPLICATION NO. 8906027.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 2-3 (Commissioners House, Melbostad and Prior dissented) to overrule the department with the condition that the penalty be reduced to ten times the regular fee of $140.40 for a total of $1,404.00. Then on motion by Commissioner House, the Board voted 3-2 (President Makras and Vice President Marks dissented) to uphold the department and sustain the penalty. Then the Board rescinded the previous motions and upon motion by President Makras, voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to ten times the regular fee of $140.40 for a total of $1,404.00.

SPEAKERS: Rafael Moran and Gary Moran, appellant's sons; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-183

(10) JOHN SZETO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 23, 1990, for work
[done at 627 Judah Street.
[APPLICATION NO. 9009921.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner Prior dissented) to **UPHOLD** the department and **SUSTAIN** the penalty. The appellant was not present.

SPEAKERS: None.

APPEAL NO. 90-184

(11) MAR'S ASSOCIATION, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on August 20, 1990, for
[work done at 22½ Ross Alley.
[APPLICATION NO. 8906215.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (President Makras dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $538.85 for a total of $1,077.70.

SPEAKERS: William Mar, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Gabriel Ng, architect for permit holder and William Mar, former member of Mar's Association.

APPEAL NO. 90-228

(12) CAROL JEAN ARRI, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[20, 1990, to Peter Rounds,
[permit to Erect a Structure
[at 577 Vienna Street.
[APPLICATION NO. 8916770.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Carol Arri, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Charles Stuhr, attorney for permit holderr; Peter Rounds, architect for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Carol Taylor, in opposition to the project.

APPEAL NO. 90-109

(13) JEAN CHABAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on May 21, 1990,
[of permit to convert Hotel
[from Residential to Tourist
[Use at 684 Ellis Street.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Joseph Bravo and Andrew Zack, attorneys for appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Judith Boyajian, Deputy City Attorney; and Jean Chaban, appellant.

(14) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 11:00 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 24, 1990
5:00 P.M., ROOM 282, CITY HALL

DOCUMENTS DEPT.
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PUBLIC LIBRARY

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Patricia B. Hughes, requesting rehearing of Appeal No. 90-166, 66 Banks Street. Hearing October 3, 1990. After discussion, upon motion by President Makras, the Board voted 3-2 (Vice President Marks and Commissioner House dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 2-3 (President Makras, Commissioners Melbostad and Prior dissented) to grant the request for rehearing. Four votes are needed and the request is **DENIED**.

ITEM B: Letter from Joseph and Dale Solaric, requesting rehearing of Appeal No. 90174, 1131 Irving Street. Hearing October 3, 1990. After discussion, upon motion by President Makras, the Board voted 2-3 (Commissioners House, Melbostad and Prior dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: **CONTINUED** to the meeting of **November 7, 1990** for a report from Department of City Planning to verify the height of the first floor (10 feet as opposed to 12 feet).

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM C: Letter from the Residents/Owners of Peru Avenue, requesting the Board take jurisdiction over Building Permit Application No. 8906255 to erect a building at 842 Peru Street.

Date issued	September 4, 1990
Appeal period ended	September 19, 1990
Request for jurisdiction	October 9, 1990

ACTION: **CONTINUED** to **November 7, 1990** for a report from City Planning on what posting was done on the project site.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-176

(3) PATRICIA FRIPP, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 16, 1990, for work done
[at 525 - 27 Hugo Street.
[APPLICATION NO. 8902662.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $21.13 for a total of $42.26.

SPEAKERS: Patricia Fripp, appellant and Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-188

(4) CRAIG J. LOEFFLER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 22, 1990, for work done
[at 2233 - 2235 Bryant Street.
[APPLICATION NO. 8921078.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $21.13 for a total of $42.26.

SPEAKERS: Leda C. Nobili, appellant's wife and Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-190

(5) JOHN KIEFER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on August 27, 1990, for
[work done at 4185 - 26th Street.
[APPLICATION NO. 9010814.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (President Makras dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $290.55 for a total of $581.10.

SPEAKERS: John Kiefer, appellant and Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-191

(6) NADINE BAUER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 27, 1990, for work done
[at 149 - 151 Dorado Terrace.
[APPLICATION NO. 9005978.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **November 14, 1990** at the request of appellant prior to hearing.

APPEAL NO. 90-192

(7) VIC C. VILLAMEJOR, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 28, 1990, for work
[done at 72 Ottawa Avenue.
[APPLICATION NO. 8912679.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (Commissioner House dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to ten times the regular fee of $50.38 for a total of $503.80.

SPEAKERS: Vic Villamejor, appellant and Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-195

(8) PERRY S. ACOSTA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[April 19, 1990, for work
[done at 53 - 59 Moss Street.
[APPLICATION NO. 9003215.
[FOR HEARING TODAY.

ACTION: After discussion, upon President Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Perry Acosta, appellant and Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-197

(9) JOSE G. RAMIREZ, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on August 20, 1990,
[for work done at 157 Chenery St.
[APPLICATION NO. 8900335.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Jose Ramirez, appellant; Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 6:35 to 6:47 p.m.

APPEAL NO. 90-198

(10) CARLOS J. MORALES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[June 22, 1990, for work done
[at 228 Whipple Avenue.
[APPLICATION NO. 8902374.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to ten times the regular fee of $234.00 for a total of $2,340.00.

SPEAKERS: Carlos Morales, appellant and Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-199

(11) JERRY KLEIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
[imposed on August 31, 1990, for
[work done at 2455 Jackson Street.
[APPLICATION NO. 9012970.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner Prior dissented) to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Jerry Klein, appellant; Nancy Ryti, permit holder and Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-241

(12) JOSEPH COLLINS & HARRY CLARK, Appellants
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on October
[15, 1990, for work done at
[3857 - 18th Street.
[APPLICATION NO. 9005903.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner House dissented) to **OVERRULE** the department and reduce the penalty to two times the regular fee of $21.13 for a total of $42.26.

SPEAKERS: Joseph Collins, appellant and Garry O'Reilly, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-194

(13) ALLAN CHIU, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on August 28, 1990,
[of permit to Alter a Build-
[ing at 705 - 2nd Avenue.
[APPLICATION NO. 9009728.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the kitchen and nonbearing partitions be removed and a recordation of a Notice of Special Restrictions be made by the appellant.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning and Allan Chiu, appellant.

APPEAL NO. 90-196

(14) THOMAS GILLE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on August 23, 1990,
[of permit to Alter a Build-
[ing at 772 - 2nd Avenue.
[APPLICATION NO. 9013277.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 to **OVERRULE** the department with the **CONDITION** that a Notice of Special Restrictions be recorded and any in-lieu requirements by the Bureau of Building Inspection for a sleeping room be met.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning and Thomas Gille, appellant.

APPEAL NO. 90-193

(15) BUZZELL ELECTRIC WORKS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August [17, 1990, to Patrick Media Group, [Inc., permit to Erect a Sign at [1201 Mission Street. [APPLICATION NO. 9016527. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Matthew Buzzell, appellant and James Reuben, attorney for permit holder.

(16) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:35 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 7, 1990
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUESTS FOR REHEARING:

ITEM A: Letter from Joseph Bravo, requesting rehearing of Appeal No. 90-109, 684 Ellis Street. Hearing October 17, 1990. After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **DENY** the permit.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **DENY** the request for rehearing.

ITEM B: Letter from Joseph and Dale Solaric, requesting rehearing of Appeal No. 90-174, 1131 Irving Street. Hearing October 3, 1990. After discussion, upon motion by President Makras, the Board voted 2-3 (Commissioners House, Melbostad and Prior dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: **CONTINUED** to the meeting of **November 14, 1990** for a report from Department of City Planning to verify the height of the first floor (10 feet as opposed to 12 feet).

ITEM C: Letter from John Szeto, requesting rehearing of Appeal No. 90-183, 627 Judah Street. Hearing October 17, 1990. After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner Prior dissented) to **UPHOLD** the department and **SUSTAIN** the penalty. The appellant was not present.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **GRANT REHEARING** and to schedule it for the meeting of **November 14, 1990.**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM D: Letter from the Residents/Owners of Peru Avenue, requesting the Board take jurisdiction over Building Permit Application No. 8906255 to erect a building at 842 Peru Street.

Date issued	September 4, 1990
Appeal period ended	September 19, 1990
Request for jurisdiction	October 9, 1990

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **DENY** the request for jurisdiction.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-121

(3) MAGGIE DOW, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[June 4, 1990, to Joe Jaksa,
[permit to Alter a Building at
[1457 Quesada Avenue.
[APPLICATION NO. 8920347.
[FOR FURTHER CONSIDERATION TODAY.
[PUBLIC HEARING CLOSED ON
[SEPTEMBER 12, 1990.

ACTION: **CONTINUED** to meeting of **January 9, 1991** at the request of parties prior to hearing.

APPEAL NO. 90-251

(4) PATRICIA CARSON MAJOR, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT,
Respondent

[Protesting issuance on
[October 9, 1990, to William
[Wong, a massage establishment
[permit at 644 Jones Street dba
["Aloha Spa".
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Patricia C. Major, appellant; Officers Leanna Dawydiak and Elizabeth Loew, and Sergeant Michael Curran, S.F.P.D.; Christopher Hall, attorney for permit holder.

APPEAL NO. 90-203

(5) ENRIQUE ROMAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 7, 1990, for work
[done at 759 - 61 Capp Street.
[APPLICATION NO. 9010862.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (President Makras dissented) to **UPHOLD** the department with the **CONDITION** that the penalty be corrected to ten times the regular fee of $21.13 for a total of $211.30.

SPEAKERS: Enrique Roman, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-204

(6) MANUEL V. TIRAN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 3, 1990, for work done
[at 460 Staples Avenue.
[APPLICATION NO. 8907898.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 3-2 (Commissioners Melbostad and Prior dissented) to uphold the department with the condition that the penalty be corrected to ten times the regular fee of $117.00 for a total of $1,170.00. Then on motion by Commissioner Prior, the Board voted 3-2 (President Makras, Vice President Marks dissented) to uphold the department and sustain the penalty. Four votes being necessary to overrule, the department is deemed **UPHELD** and the penalty **SUSTAINED**.

SPEAKERS: Manuel Tiran, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-210

(7) MARGERY K. BLUM, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 14, 1990, for work
[done at 2063 Broadway Street.
[APPLICATION NO. 9010232.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $50.38 for a total of $100.76.

SPEAKERS: Margery Blum, appellant; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-211

(8) GARY HODGE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[September 7, 1990, for work
[done at 1125 Shafter Street.
[APPLICATION NO. 9012440.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 3-2 (Vice President Marks and Commissioner House dissented) to overrule the department with the condition that the penalty be reduced to two times the regular fee of $100.43 for a total of $200.86. Four votes being necessary to overrule, the department is deemed **UPHELD** and the penalty **SUSTAINED**.

SPEAKERS: Gary Hodge, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-209

(9) CHRISTINE E. CARNES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on
[September 4, 1990, to
[Matthew A. Smyth, permit
[to Alter a Building at
[332 Molimo Drive.
[APPLICATION NO. 8915471
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-1 (Commissioner House dissented) to **UPHOLD** the department with **CONDITION** that the addition be painted a light color to match existing buildings.

SPEAKERS: Christine Carnes, appellant; Matthew Smyth, permit holder; John Schlenke, architect for permit holder; and Gretchen Fleischmann, applicant's co-owner.

APPEAL NO. 90-245

(10) KATHLEEN FRANKLIN, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing determination by
[the Zoning Administrator dated
[October 12, 1990 that a second
["dwelling with artist work space"
[at 3350 - 3352 20th Street in
[an NC district must provide a
[new off-street parking space
[even though a "live/work" unit
[is not required to have an off-
[street parking space under the
[Planning Code.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **OVERRULE** the department and allow a live/work unit without off-street parking.

SPEAKERS: Kathleen Franklin, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

(11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 7:45 p.m.

Robert H. Feldman
Executive Director

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 14, 1990
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; Inspector Michael Keating, Bureau of Fire Prevention; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR REHEARING:

ITEM A: Letter from Joseph and Dale Solaric, requesting rehearing of Appeal No. 90-174, 1131 Irving Street. Hearing October 3, 1990. After discussion, upon motion by President Makras, the Board voted 2-3 (Commissioners House, Melbostad and Prior dissented) to **UPHOLD** the department and **GRANT** the permit.

ACTION: After discussion, upon motion by President Makras, the Board voted 3-2 (Commissioners House and Melbostad dissented) to **DENY** the request for rehearing.

SPEAKERS: Robert Passmore, Zoning Administrator; Alice Barkley, Esq.; and Matthew Dames.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Matthew Dames.

APPEAL NO. 90-183

(3) JOHN SZETO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 23, 1990, for work
[done at 627 Judah Street.
[APPLICATION NO. 9009921.
[FOR REHEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 4-1 (Vice President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $138.45 for a total of $276.90.

SPEAKERS: John Szeto, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-101

(4) RAMA ANANDA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent
ISCOTT DISAPPROVAL

[Denial on May 9, 1990,
[of Pedicab Owner permit for
[additional route in Chinatown.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **January 16, 1991** at the request of appellant prior to hearing.

APPEAL NO. 90-207

(5) JANIE CHI PIN HWANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 13, 1990, for work
[done at 61 Del Monte Street.
[APPLICATION NO. 9012334.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 2-3 (President Makras, Vice President Marks and Commissioner House (dissented) to uphold the department and correct the penalty to ten times the regular fee of $87.75 for a total of $877.50. Then on motion by Commissioner House, the Board voted 4-1 (Commissioner Prior dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $87.75 for a total of $175.50.

SPEAKERS: Janie Chi Pin Hwang, appellant; Yoong Tseng, interpreter for appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-208

(6) SCOTT I. BASSIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 13, 1990, for work
[done at 432 - 434 Hugo Street.
[APPLICATION NO. 8903314.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Scott Bassin, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-179

(7) ROBERT HILLMANN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on August 20, 1990, for
[for work done at
[2610 California Street.
[APPLICATION NO. 9014935.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to a total of $500.00 plus the regular fee of $21.13.

SPEAKERS: Robert Hillman, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-191

(8) NADINE BAUER, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 27, 1990, for work done
[at 149 - 151 Dorado Terrace.
[APPLICATION NO. 9005978.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **UPHOLD** the penalty and correct the penalty to ten times the regular fee of $50.38 for a total of $503.80.

SPEAKERS: Nadine Bauer, appellant; Laurence Kornfield, Chief Building Inspector; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-201

(9) BINH YEN DUONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 4, 1990, for work
[done at 550 Octavia Street.
[APPLICATION NO. 8925538.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Michael Duong, appellant's son; Binh Yen Duong, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-212

(10) XAVIER J. GUERRERO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of
[Penalty imposed on September
[14, 1990, for work done at
[395 Staples Avenue.
[APPLICATION NO. 8911523.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $62.40 for a total of $124.80.

SPEAKERS: Xavier Guerrero, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-213

(11) VICTOR JAHODA, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 17, 1990, for work
[done at 1939 - 9th Avenue.
[APPLICATION NO. 8915638.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **UPHOLD** the department and correct the penalty to ten times the regular fee of $21.13 for a total of $211.30.

SPEAKERS: Victor Jahoda, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-215

(12) JAY TOBIN, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 13, 1990, for work
[done at 2051 Market Street.
[APPLICATION NO. 8925033.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (Vice President Marks dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $21.13 for a total of $42.26.

SPEAKERS: Jay Tobin, appellant and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

The Board recessed from 6:58 to 7:10 p.m.

Items 13A and 13B were heard together

APPEAL NO. 90-200

(13A) MONA L. OSTERHOUDT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[20, 1990, to Tony Fazio, Marie
[Jobling and Tony Campilongo,
[permit to Alter a Building at
[112 Fair Oaks Street.
[APPLICATION NO. 9007945.
[FOR HEARING TODAY.

APPEAL NO. 90-220

(13B) MONA L. OSTERHOUDT, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on September
[7, 1990, to Tony Fazio, Marie
[Jobling and Tony Campilongo,
[permit to Alter a Building at
[112 Fair Oaks Street.
[APPLICATION NO. 8812308.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department with the following **CONDITIONS**:

1. Garage required to be of one hour fire resistive construction.
2. Deck reduced to 500 square feet.
3. Any bolting into concrete shall be subject to special inspection.
4. Engineer should provide substantiation of compliance to §104f of the Building Code.
5. The entire building should be one hour fire rated.

SPEAKERS: Mona Osterhoudt, appellant; Bruce Bonacker, architect for appellant; Robert Bossi, engineer for appellant; Marie Jobling, permit holder; Stephen Antonaros, architect for permit holder; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Inspector Michael Keating, Bureau of Fire Prevention.

APPEAL NO. 90-202

(14) JERRY & AUDREY JEDLICKA, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August
[21, 1990, to Ahuva Jolish,
[permit to Alter a Building at
[309 Dellbrook Avenue.
[APPLICATION NO. 8909191.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Jerry and Audrey Jedlicka, appellants; Virginia Lee, property owner; Robert Passmore, Zoning Administrator for Department of City Planning; Gordon Rook, Dwayne Danielson, Ida Poggio, in opposition to the project.

APPEAL NO. 90-214

(15) KERRY A. ALLEN, PATRICIA A. SZUMOWSKI, & TERRY L. MARDIS, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on August [31, 1990, to Union Oil Company [of California permit to Demolish [a Building at 1400 S. Van Ness [Avenue.
[APPLICATION NO. 9011500.
[FOR HEARING TODAY.

ACTION: **WITHDRAWN** prior to hearing by letter dated November 13, 1990.

APPEAL NO. 90-236

(16) JEFFREY KWONG & LILLY POON, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on September [26, 1990, to Barbara Newsom, [permit to Alter a Building at [1914 Greenwich Street.
[APPLICATION NO. 9007930.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner Melbostad dissented) to **UPHOLD** the department and **GRANT** the permit.

SPEAKERS: Lilly Poon, appellant; Lou Micheli, Patty Meyers, Rose Marie Michaels, in opposition to the project; Barbara Newson, permit holder; Joel Pathman, architect for permit holder; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

(17) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Laurence Kornfield, Chief Building Inspector, reported on the Bureau's changes in procedures regarding penalties. President Makras requested that a procedure be developed to expedite the process.

There being no further business, President Makras adjourned the meeting at 9:03 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 28, 1990
5:00 P.M., ROOM 282, CITY HALL

PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

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ABSENT: Commissioner Beverly Prior.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from Alice Suet Yee Barkley, requesting the Board take jurisdiction over revocation of Building Permit Application No. 8916378 to erect a one-family dwelling at 379 - 17th Avenue.

Date issued	October 22, 1990
Appeal period ended	November 6, 1990
Request for jurisdiction	November 15, 1990

ACTION: After discussion, upon motion by President Makras, the Board voted 4-0 to **GRANT** jurisdiction. Ms. Barkley has 15 days to file an appeal.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: Matthew Dames; and Laurence Kornfield, Chief Building Inspector, reported on the Bureau's progress regarding revision of penalty assessment procedures.

APPEAL NO. 90-189

(3) JUAN TORRES, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on August 10, 1990,
[Dance Hall Keeper/Place of
[Entertainment permit dba "El
[Tapatio" at 4742 Mission Street.
[FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **January 16, 1991** at request of appellant with agreement of respondent (Officer Leanna Dawydiak).

APPEAL NO. 90-218

(4) EUGENE SUNGA, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on September 10, [1990, of Driver Public Vehicle [permit (National Cab Company). [FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **January 16, 1991** at request of appellant with agreement of respondent (Officer Leanna Dawydiak).

APPEAL NO. 90-223

(5) SULEIMAN NAJDAWI, Appellant
vs.
SAN FRANCISCO POLICE DEPARTMENT, Respondent

[Revocation on September 14, [1990, of Driver Public Vehicle [permit (National Cab Company). [FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **January 16, 1991** at request of appellant with agreement of respondent (Officer Leanna Dawydiak).

APPEAL NO. 90-257

(6) JOAN AND MICHAEL O'NEIL, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on October [19, 1990, to Ernest C. Cadelago, [permit to Erect a Building at [2506 Leavenworth Street. [APPLICATION NO. 8900127. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 4-0 to **UPHOLD** the department with **CONDITIONS** stipulated by the parties.

SPEAKERS: Mark Kertz, attorney for appellants; and Jack Wholey, attorney for permit holder.

APPEAL NO. 90-165

(7) ANDERSON ENTERPRISES, INC., Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on [August 2, 1990, for work [done at 1525 Howard Street. [APPLICATION NO. 9013456. [FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to four times the regular fee of $100.43 for a total of $401.72.

SPEAKERS: Michael Hansen, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-175

(8) GEORGE L. GORBATENKO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[August 16, 1990, for work
[done at 266 - 30th Avenue.
[APPLICATION NO. 8814414.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $26.98 for a total of $53.96.

SPEAKERS: Valentina Gorbatenko, appellant; Laurence Kornfield, Chief Building Inspector for Bueau of Building Inspection.

APPEAL NO. 90-217

(9) VINCENT COSGROVE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 18, 1990, for work
[done at 132-134 - 27th Street.
[APPLICATION NO. 9013050.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $113.10 for a total of $226.20.

SPEAKERS: Vincent Cosgrove, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-224

(10) GRACE WONG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[September 24, 1990, for work
[done at 2572 California Street.
[APPLICATION NO. 9007031.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $21.13 for a total of $42.26.

SPEAKERS: Grace Wong, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-219

(11) PHILIP J. CAZAHOUS, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 10, 1990,
[of permit to Alter a Building
[at 135 Villa Terrace.
[APPLICATION NO. 9012028.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to **OVERRULE** the department and **GRANT** the permit without a variance application.

SPEAKERS: Philip Cazahous, appellant; and Robert Passmore, Zoning Administrator for Department of City Planning.

APPEAL NO. 90-225

(12) TOBY S. LEVY & DAVID STERNBERG, Appellants
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on September
[10, 1990, to Willey Chan, permit
[to Erect a Structure at
[260 Clara Street.
[APPLICATION NO. 8906712.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 to **GRANT** the permit with the **CONDITION** that the building be reduced in length by five feet to create a rear yard.

SPEAKERS: David Sternberg, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; and Edward Hardin, architect for permit holder.

APPEAL NO. V90-222

(13) LITTLE HOLLYWOOD ASSOCIATION, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Protesting granting on September
[14, 1990, to Caz Nguyen, Minimum
[Lot Area, Lot Width and Usable
[Open Area Space Variances sought
[for property located at
[500 Blanken Avenue.
[VARIANCE CASE NO. 89-617EV.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 2-2 (President Makras and Commissioner Melbostad dissented) to overrule the department and deny the variance. Then on motion by President Makras, the Board voted 4-0 to **UPHOLD** the department with the **CONDITION** that the shed be removed from the rear yard area to increase usable open space.

SPEAKERS: Don Bertone, appellant; Robert Passmore, Zoning Administrator for Department of City Planning; Javier Solorzano, agent for property owner; Charles Stern, in support of the project; and Caz Nguyen, property owner.

APPEAL NO. 90-260

(14) FEDERAL HOME LOAN BANK, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing determination by the [Zoning Administrator dated October [31, 1990 that no Certificate of [Occupancy can be issued for the [600 California Street project [unless Conditions 3 & 4 of the [Board motions of approval are [complied with (Appeal Nos. [87-183, 87-189 and 87-190). [FOR HEARING TODAY.

ACTION: **CONTINUED** prior to hearing to **December 12, 1990** at the request of Susan R. Diamond, attorney for appellant.

(15) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 7:35 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 12, 1990
5:00 P.M., ROOM 282, CITY HALL

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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND APPEAL PERIOD:

ITEM A: Letter from David Thompson, requesting the Board take jurisdiction over the Zoning Administrator's determination denying expansion of an existing bar/restaurant at 1849 Lincoln Way.

Date issued	October 19, 1990
Appeal period ended	November 5, 1990
Request for jurisdiction	November 20, 1990

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 (Commissioner Prior absent) to **GRANT** jurisdiction. Mr. Thompson has 15 days to file an appeal.

ITEM B: Letter from Jeffrey Yong, requesting the Board take jurisdiction over the Zoning Administrator's denial of a side yard variance at 1975 - 8th Avenue.

Date issued	November 5, 1990
Appeal period ended	November 15, 1990
Request for jurisdiction	November 26, 1990

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 4-0 (Commissioner Prior absent) to **GRANT** jurisdiction. Mr. Yong has 10 days to file an appeal.

REQUESTS FOR REHEARING:

ITEM C: Letter from Robert W. Passmore, Zoning Administrator, requesting rehearing of Appeal No. 90-194, 705 - 2nd Avenue. Hearing October 24, 1990. After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the kitchen and nonbearing partitions be removed and a recordation of a Notice of Special Restrictions be made by the appellant.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 3-1 (Commissioner House dissented and Commissioner Prior absent) to deny the request for rehearing. Four votes are needed and the request is **DENIED**.

ITEM D: Letter from Robert W. Passmore, Zoning Administrator, requesting rehearing of Appeal No. 90-196, 772 - 2nd Avenue. Hearing October 24, 1990. After discussion, upon motion by President Makras, the Board voted 4-1 (Commissioner Prior dissented) to **OVERRULE** the department with the **CONDITION** that a Notice of Special Restrictions be recorded and any in-lieu requirements by the Bureau of Building Inspection for a sleeping room be met.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 2-2 (Commissioners House and Melbostad dissented, Commissioner Prior absent) to deny the request for rehearing. Four votes are needed and the request is **DENIED**.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

CONSENT CALENDAR - **Item 3 to be acted upon without discussion. Appellant chose to accept corrected penalty with no hearing.**

APPEAL NO. 90-230

(3) MARILYN COSENTINO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on September 26, 1990,
[for work done at
[60 - 62 Winfield Street.
[APPLICATION NO. 9012601.
[FOR HEARING TODAY.

ACTION: Upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the penalty and correct the penalty to ten times the regular fee of $315.90 for a total of $3,159.00.

SPEAKERS: None.

REGULAR CALENDAR

APPEAL NO. 90-234

(4) JOTE KEJELA, Appellant
vs.
SAN FRANCISCO POLICE COMMISSION, Respondent

[Police Commission Discussion
[and Consideration for Adopting
[or Rejecting the PC & N Hearing
[Officer's Findings of Fact for
[Public Convenience and Necessity
[Taxicab Permits.
[RESOLUTION NO. 659-90.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **January 30, 1991** at the request of respondent (Officer Leanna Dawydiak) with agreement of appellant.

APPEAL NO. 90-226

(5) DANIEL Y. NG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[on September 27, 1990, for work
[done at 2650 - 19th Avenue.
[APPLICATION NO. 9008813.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 3-2 (President Makras and Commissioner Melbostad dissented) to **UPHOLD** the department and correct the penalty to ten times the regular fee of $290.55 for a total of $2,905.50.

SPEAKERS: Samuel Ng, appellant's brother; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-233

(6) JEFFREY KEEFFE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Appealing for Refund of Penalty
[imposed on October 3, 1990, for
[work done at 20 - 26 Liberty St.
[APPLICATION NO. 9011122.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 5-0 to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $75.08 for a total of $150.16.

SPEAKERS: Jeffrey Keeffe, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-235

(7) PHILIP HWANG, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[October 10, 1990, for work
[done at 734 Athens Street.
[APPLICATION NO. 9019715.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 2-3 (President Makras, Commissioners Melbostad and Prior dissented) to **UPHOLD** the department and correct the penalty to ten times the regular fee of $54.00 for a total of $540.00.

SPEAKERS: Philip Hwang, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-227

(8) DENNIS N. GEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 20, 1990,
[of permit to Alter a Building
[at 1456A - 8th Avenue.
[APPLICATION NO. 8915848.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 2-3 (President Makras, Commissioners House and Melbostad dissented) to **UPHOLD** the department and **DENY** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Dennis Gee, appellant.

APPEAL NO. 90-231

(9) WILLIE BALLARD, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on September 21, 1990,
[of permit to Alter a Building
[at 810 Lyon Street.
[APPLICATION NO. 9005313.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 3-2 (President Makras and Commissioner Prior dissented) to overrule the department and grant the permit. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **DENIED**.

SPEAKERS: Willie Ballard, appellant; Sharon Lee, appellant's daughter; Michael Waul, Joe O'Donoghue, and Enid Lim, in favor of the project; and Robert Passmore, Zoning Administrator for Department of City Planning.

The Board recessed from 6:49 to 7:00 p.m.

APPEAL NO. 90-260

(10) FEDERAL HOME LOAN BANK, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing determination by the
[Zoning Administrator dated October
[31, 1990 that no Certificate of
[Occupancy can be issued for the
[600 California Street project
[unless Conditions 3 & 4 of the
[Board motions of approval are
[complied with (Appeal Nos.
[87-183, 87-189 and 87-190).
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner House, the Board voted 4-1 (President Makras dissented) to **OVERRULE** the department and allow deletion of the two conditions of approval.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; Susan Diamond, attorney for appellant; Rose Pak for Chinatown Chamber Chamber of Commerce; Enid Lim for Chinatown Resource Center; Linda Evans, art consultant for FHLB; Ray Terwilliger for FHLB; Jon Dayton and Joe O'Donoghue, in favor of the project.

APPEAL NO. 90-237

(11) GUY RICARDO, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on September 28, 1990, to Patrick Fealy, permit to Alter a Building at 1660 - 48th Avenue.
[APPLICATION NO. 8904390.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 3-2 (President Makras and Commissioner Prior dissented) overrule the department and deny the permit. Four votes being necessary to overrule, the department is deemed **UPHELD** and the permit **GRANTED**.

SPEAKERS: Bart Murphy, attorney for permit holder; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection. The appellant did not appear.

(12) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

There being no further business, President Makras adjourned the meeting at 8:12 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.

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MINUTES OF THE
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, DECEMBER 19, 1990
5:00 P.M., ROOM 282, CITY HALL

DOCUMENTS DEPT.
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PRESENT: President Victor Makras, Vice President Esther Marks, Commissioners Ralph House, Paul Melbostad and Beverly Prior.

Robert Passmore, Zoning Administrator for Department of City Planning; Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection; Judith Boyajian, Deputy City Attorney; and Robert Feldman, Executive Director for the Board.

Doris Levine, Official Court Reporter.

(1) **MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING AND OTHER CORRESPONDENCE:**

REQUEST FOR JURISDICTION BEYOND FIFTEEN-DAY APPEAL PERIOD:

ITEM A: Letter from James Houillion, requesting the Board take jurisdiction over issuance of Building Permit Application No. 9021504 to alter a building at 445 Fillmore Street.

Date issued	November 13, 1990
Appeal period ended	November 28, 1990
Request for jurisdiction	December 6, 1990

ACTION: After discussion, upon motion by Commissioner House, the Board voted 5-0 to **GRANT** jurisdiction. Mr. Houillion has 15 days to file an appeal.

(2) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKERS: None.

APPEAL NO. 90-238

(3) YUNG HOW LEE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 12, 1990, for work
[done at 879 - 34th Avenue.
[APPLICATION NO. 9008923.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 3-2 (President Makras and Commissioner Prior dissented) to overrule the

department with the condition that the penalty be reduced to two times the regular fee of $163.60 for a total of $327.60. Then on motion by Commissioner House, the Board voted 4-1 (Commissioner Prior dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to five times the regular fee of $163.80 for a total of $819.00.

SPEAKERS: Raymond Lee, appellant's son; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-244

(4) MIKE HAZEL, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Appealing for Refund of Penalty
[imposed on October 5, 1990, for
[for work done at 200 Kansas St.
[APPLICATION NO. 9016525.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Prior, the Board voted 4-1 (President Makras dissented) to **OVERRULE** the department with the **CONDITION** that the penalty be reduced to two times the regular fee of $826.80 for a total of $1,653.60.

SPEAKERS: Mike Hazel, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-246

(5) ALICE HON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Imposition of Penalty on
[October 19, 1990 for work
[done at 517 - 523 Green Street.
[APPLICATION NO. 9006340.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by President Makras, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: Gilbert Jay, attorney for appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-247

(6) DAVID PETERSON, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent

[Imposition of Penalty on
[October 23, 1990 for work done
[at 545 - 547 Wisconsin Street.
[APPLICATION NO. 9020043.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department and **SUSTAIN** the penalty.

SPEAKERS: David Peterson, appellant; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. 90-243

(7) HAIGHT-ASHBURY FREE CLINIC, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

[Denial on October 16, 1990,
[of permit to Alter a Building
[at 1696 - 1698 Haight Street.
[APPLICATION NO. 9005834.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Commissioner Melbostad, the Board voted 5-0 to **OVERRULE** the department and **GRANT** the permit.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; David Smith and Herbert Houston, appellants; and Robert Gorter, M.D. and John Newmeyer, in favor of the project.

APPEAL NO. 90-143

(8) CAROL A. HUGHES, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on June
[20, 1990, to Michael Boughton
[and Hal Murphy, permit to Erect
[a Structure at 830 Wisconsin St.
[APPLICATION NO. 8900312.
[FOR HEARING TODAY.

ACTION: **CONTINUED** to the meeting of **January 30, 1991** at the request of appellant (Douglas G. Murken, Esq.) with agreement of permit holders.

APPEAL NO. 90-240

(9) JOHN H. LANE, Appellant
vs.
DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

[Protesting issuance on October
[1, 1990, to James Bristol,
[to Alter a Building at
[833 Grafton Avenue.
[APPLICATION NO. 8918143.
[FOR HEARING TODAY.

ACTION: After discussion, upon motion by Vice President Marks, the Board voted 5-0 to **UPHOLD** the department with the **CONDITION** that the roof deck is deleted, the permit is amended to reflect a vertical addition as opposed to a horizontal addition, and a review of the revised construction costs.

SPEAKERS: John Lane, appellant; James Bristol, permit holder; and Laurence Kornfield, Chief Building Inspector for Bureau of Building Inspection.

APPEAL NO. V90-205

(10) ROBERT W. GORTER, Appellant
vs.
ZONING ADMINISTRATOR, Respondent

[Appealing Findings 1 and 4 and
[Condition 2 of variance granted
[on May 11, 1990, for property
[located at 1409 McAllister St.
[VARIANCE CASE NO. 89.535V.
[FOR HEARING TODAY.

ACTION: After discussion, the Board voted 4-1 (Vice President Marks dissented) to **OVERRULE** the department and to amend Findings 1 and 4 and to delete Condition 2 of the variance decision.

SPEAKERS: Robert Passmore, Zoning Administrator for Department of City Planning; and Robert Gorter, M.D., appellant.

(11) **Public Comment:** Presentation shall be limited to three (3) minutes for each speaker.

SPEAKER: Edith McMillan.

There being no further business, President Makras adjourned the meeting at 7:07 p.m.

Robert H. Feldman
Executive Director

Transcripts of these hearings may be obtained directly from Doris Levine, the Official Court Reporter, (415) 456-9899.